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Senate File 2301

H-8116

- 1 Amend Senate File 2301, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by striking lines 20 through 32.
- 4 2. Title page, by striking lines 3 and 4 and
- 5 inserting <to a primary election, and allowing for>
- 6 3. By renumbering as necessary.

HAGENOW of Polk



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Senate File 2311

H-8117

1 Amend Senate File 2311, as passed by the Senate, as
2 follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. Section 232.2, subsection 6, Code 2014,
6 is amended by adding the following new paragraph:
7 NEW PARAGRAPH. *r.* Who is allowed, permitted, or
8 encouraged by an adult having influence or control of
9 the child to engage in acts prohibited pursuant to
10 section 725.1.
11 Sec. 2. Section 710.10, Code 2014, is amended by
12 adding the following new subsection:
13 NEW SUBSECTION. 7. For purposes of this section,
14 methods of enticement include but are not limited
15 to personal contact and communication by any means
16 including through the mail, telephone, internet, or
17 any social media, and include text messages, instant
18 messages, and electronic mail.
19 Sec. 3. Section 725.1, Code 2014, is amended to
20 read as follows:
21 725.1 Prostitution.
22 1. *a.* Except as provided in paragraph "b",
23 a person who sells or offers for sale the person's
24 services as a partner in a sex act commits an
25 aggravated misdemeanor. ~~or~~
26 *b.* If the person who sells or offers for sale the
27 person's services as a partner in a sex act is under
28 the age of eighteen and reasonable grounds exist to
29 believe that the influence or control of an adult
30 contributed to the commission of the offense, the
31 county attorney may elect, in lieu of prosecution, to
32 refer the person to the department of human services
33 alleging that the person is a child in need of
34 assistance pursuant to section 232.2, subsection 6.
35 *c.* If the person who sells or offers for sale the
36 person's services as a partner in a sex act is under
37 the age of eighteen, upon the expiration of two years
38 following the person's conviction for a violation
39 of paragraph "a" or of a similar local ordinance,
40 the person may petition the court to expunge the
41 conviction, and if the person has had no other criminal
42 convictions, other than local traffic violations or
43 simple misdemeanor violations of chapter 321 during the
44 two-year period, the conviction shall be expunged as
45 a matter of law. The court shall enter an order that
46 the record of the conviction be expunged by the clerk
47 of the district court. Notwithstanding section 692.2,
48 after receipt of notice from the clerk of the district
49 court that a record of conviction has been expunged for
50 a violation of paragraph "a", the record of conviction

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1 shall be removed from the criminal history data files
2 maintained by the department of public safety.
3 2. a. Except as provided in paragraph "b", a
4 person who purchases or offers to purchase such another
5 person's services, as a partner in a sex act commits
6 an aggravated misdemeanor.
7 b. A person who purchases or offers to purchase
8 services as a partner in a sex act from a person
9 fifteen years of age or younger commits a class "D"
10 felony.
11 Sec. 4. Section 725.2, Code 2014, is amended to
12 read as follows:
13 725.2 Pimping.
14 1. A person who solicits a patron for a prostitute,
15 or who knowingly takes or shares in the earnings of
16 a prostitute, or who knowingly furnishes a room or
17 other place to be used for the purpose of prostitution,
18 whether for compensation or not, commits a class "D"
19 felony.
20 2. A person who solicits a patron for a prostitute
21 who is under the age of eighteen, or who knowingly
22 takes or shares in the earnings of a prostitute who is
23 under the age of eighteen, or who knowingly furnishes
24 a room or other place to be used for the purposes of
25 prostitution of a prostitute who is under the age of
26 eighteen, whether for compensation or not, commits a
27 class "C" felony.
28 Sec. 5. NEW SECTION. 802.2B Sexual exploitation
29 of a minor.
30 An information or indictment for sexual exploitation
31 of a minor under section 728.12 committed on or with
32 a person who is under the age of eighteen years shall
33 be found within ten years after the person upon whom
34 the offense is committed attains eighteen years of
35 age, or if the person against whom the information or
36 indictment is sought is identified through the use of
37 a DNA profile, an information or indictment shall be
38 found within three years from the date the person is
39 identified by the person's DNA profile, whichever is
40 later.
41 Sec. 6. Section 802.3, Code 2014, is amended to
42 read as follows:
43 802.3 Felony — aggravated or serious misdemeanor.
44 In all cases, except those enumerated in section
45 802.1, 802.2, 802.2A, 802.2B, or 802.10, an indictment
46 or information for a felony or aggravated or serious
47 misdemeanor shall be found within three years after its
48 commission.
49 Sec. 7. Section 808B.3, Code 2014, is amended by
50 adding the following new subsection:

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1 NEW SUBSECTION. 6. A felony offense involving
2 human trafficking in violation of chapter 710A.>
3 2. Title page, line 2, after <prostitution> by
4 inserting <pimping,>
5 3. Title page, by striking lines 3 and 4 and
6 inserting <trafficking, and providing penalties.>

COMMITTEE ON JUDICIARY
BALTIMORE of Boone, Chairperson



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Senate File 2297

H-8118

1 Amend Senate File 2297, as passed by the Senate, as
2 follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. NEW SECTION. 709D.1 Title.
6 This chapter shall be known and may be cited as the
7 "*Contagious or Infectious Disease Transmission Act*".
8 Sec. 2. NEW SECTION. 709D.2 Definitions.
9 As used in this chapter, unless the context
10 otherwise requires:
11 1. "*Contagious or infectious disease*" means
12 hepatitis in any form, meningococcal disease, AIDS or
13 HIV as defined in section 141A.1, or tuberculosis.
14 2. "*Exposes*" means any of the following:
15 a. Engages in intimate contact with another person.
16 b. Transfers, donates, or provides the
17 person's blood, tissue, semen, organs, or other
18 potentially infectious bodily fluids for transfusion,
19 transplantation, insemination, or other administration
20 to another person.
21 c. Dispenses, delivers, exchanges, sells, or in any
22 other way transfers to another person any nonsterile
23 intravenous or intramuscular drug paraphernalia
24 previously used by the person infected with the
25 contagious or infectious disease.
26 d. Any other conduct that poses a measurable risk
27 of transmission of a contagious or infectious disease.
28 3. "*Intimate contact*" means the intentional
29 exposure of the body of one person to a bodily fluid
30 of another person in a manner that could result in the
31 transmission of the contagious or infectious disease.
32 Sec. 3. NEW SECTION. 709D.3 Criminal transmission
33 of a contagious or infectious disease.
34 1. A person commits a class "B" felony when the
35 person knows the person is infected with a contagious
36 or infectious disease and exposes an uninfected person
37 to the contagious or infectious disease with the intent
38 that the uninfected person contract the contagious or
39 infectious disease.
40 2. A person commits a class "C" felony when the
41 person knows the person is infected with a contagious
42 or infectious disease and exposes an uninfected person
43 to the contagious or infectious disease acting with a
44 reckless disregard as to whether the uninfected person
45 contracts the contagious or infectious disease.
46 3. A person commits a class "D" felony when the
47 person knows the person is infected with a contagious
48 or infectious disease and exposes an uninfected
49 person to the contagious or infectious disease without
50 informing the uninfected person about the infected

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1 person's status as a person infected with a contagious
2 or infectious disease so as to permit the uninfected
3 person to adequately protect themselves from becoming
4 infected with the contagious or infectious disease.
5 4. The act of becoming pregnant while infected
6 with a contagious or infectious disease, continuing
7 a pregnancy while infected with a contagious or
8 infectious disease, or declining treatment for a
9 contagious or infectious disease during pregnancy shall
10 not constitute a crime under this chapter.
11 5. A person does not act with the intent required
12 pursuant to subsection 1 or with the reckless disregard
13 required pursuant to subsection 2, if the person has
14 been advised by a person licensed to practice medicine
15 and surgery or osteopathic medicine and surgery, or by
16 a physician assistant that the infected person poses no
17 measurable risk of transmission of the contagious or
18 infectious disease to an uninfected person.
19 6. It is an affirmative defense to a charge under
20 this section if the person exposed to the contagious or
21 infectious disease knew that the infected person was
22 infected with the contagious or infectious disease at
23 the time of the exposure and consented to exposure with
24 that knowledge.
25 Sec. 4. **NEW SECTION. 709D.4 Additional remedies.**
26 This chapter shall not be construed to preclude the
27 use of any other civil or criminal remedy available
28 relating to the transmission of a contagious or
29 infectious disease.
30 Sec. 5. Section 141A.9, subsection 2, paragraph i,
31 Code 2014, is amended to read as follows:
32 i. Pursuant to sections 915.42 and 915.43, to a
33 convicted or alleged sexual assault offender; the
34 physician or other health care provider who orders the
35 test of a convicted or alleged offender; the victim;
36 the parent, guardian, or custodian of the victim if
37 the victim is a minor; the physician of the victim if
38 requested by the victim; the victim counselor or person
39 requested by the victim to provide counseling regarding
40 the HIV-related test and results; the victim's spouse;
41 persons with whom the victim has engaged in vaginal,
42 anal, or oral intercourse subsequent to the sexual
43 assault; members of the victim's family within the
44 third degree of consanguinity; and the county attorney
45 who may use the results as evidence in the prosecution
46 of sexual assault under chapter 915, subchapter V, or
47 prosecution of the offense of criminal transmission of
48 HIV a contagious or infectious disease under chapter
49 709C 709D. For the purposes of this paragraph,
50 "*victim*" means victim as defined in section 915.40.

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1 Sec. 6. Section 692A.101, subsection 1, paragraph
2 a, subparagraph (9), Code 2014, is amended by striking
3 the subparagraph and inserting in lieu thereof the
4 following:
5 (9) Criminal transmission of a contagious or
6 infectious disease in violation of section 709D.3
7 through intimate contact as defined in section 709D.2.
8 Sec. 7. Section 692A.102, subsection 1, paragraph
9 c, subparagraph (23), Code 2014, is amended by striking
10 the subparagraph and inserting in lieu thereof the
11 following:
12 (23) Criminal transmission of a contagious or
13 infectious disease in violation of section 709D.3
14 through intimate contact as defined in section 709D.2.
15 Sec. 8. Section 915.43, subsections 4 and 5, Code
16 2014, are amended to read as follows:
17 4. Results of a test performed under this
18 subchapter, except as provided in subsection 13,
19 shall be disclosed only to the physician or other
20 practitioner who orders the test of the convicted or
21 alleged offender; the convicted or alleged offender;
22 the victim; the victim counselor or person requested
23 by the victim to provide counseling regarding the
24 HIV-related test and results; the physician of
25 the victim if requested by the victim; the parent,
26 guardian, or custodian of the victim, if the victim
27 is a minor; and the county attorney who filed the
28 petition for HIV-related testing under this chapter,
29 who may use the results to file charges of criminal
30 transmission of ~~HIV~~ a contagious or infectious disease
31 under chapter 709C 709D. Results of a test performed
32 under this subchapter shall not be disclosed to any
33 other person without the written informed consent of
34 the convicted or alleged offender. A person to whom
35 the results of a test have been disclosed under this
36 subchapter is subject to the confidentiality provisions
37 of section 141A.9, and shall not disclose the results
38 to another person except as authorized by section
39 141A.9, subsection 2, paragraph "i".
40 5. If testing is ordered under this subchapter,
41 the court shall also order periodic testing of the
42 convicted offender during the period of incarceration,
43 probation, or parole or of the alleged offender during
44 a period of six months following the initial test if
45 the physician or other practitioner who ordered the
46 initial test of the convicted or alleged offender
47 certifies that, based upon prevailing scientific
48 opinion regarding the maximum period during which the
49 results of an HIV-related test may be negative for a
50 person after being HIV-infected, additional testing is

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1 necessary to determine whether the convicted or alleged
2 offender was HIV-infected at the time the sexual
3 assault or alleged sexual assault was perpetrated.
4 The results of the test conducted pursuant to this
5 subsection shall be released only to the physician or
6 other practitioner who orders the test of the convicted
7 or alleged offender, the convicted or alleged offender,
8 the victim counselor or person requested by the victim
9 to provide the counseling regarding the HIV-related
10 test and results who shall disclose the results to the
11 petitioner, the physician of the victim, if requested
12 by the victim, and the county attorney who may use
13 the results as evidence in the prosecution of the
14 sexual assault or in the prosecution of the offense of
15 criminal transmission of HIV a contagious or infectious
16 disease under chapter 709C 709D.
17 Sec. 9. REPEAL. Chapter 709C, Code 2014, is
18 repealed.
19 Sec. 10. EFFECTIVE UPON ENACTMENT. This Act, being
20 deemed of immediate importance, takes effect upon
21 enactment.>

COMMITTEE ON JUDICIARY
BALTIMORE of Boone, Chairperson



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Senate File 2239

H-8119

1 Amend Senate File 2239, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <DIVISION I

6 ELDER ABUSE RELIEF

7 Section 1. NEW SECTION. 235F.1 Definitions.

8 As used in this chapter, unless the context
9 otherwise requires:

10 1. "Attorney in fact" means an attorney in fact
11 under a power of attorney pursuant to chapter 633B or
12 an attorney in fact under a durable power of attorney
13 for health care pursuant to chapter 144B.

14 2. "Caretaker" means a related or nonrelated
15 person who has the responsibility for all or a
16 substantial portion of the protection, care, or custody
17 of a vulnerable elder as a result of assuming the
18 responsibility voluntarily, by contract, through
19 employment, or by order of the court.

20 3. "Conservator" means the same as defined in
21 section 633.3.

22 4. a. "Elder abuse" means any of the following:

23 (1) The nonaccidental infliction of bodily injury
24 on a vulnerable elder by a caretaker.

25 (2) The commission of a sexual offense under
26 chapter 709 or section 726.2 with or against a
27 vulnerable elder.

28 (3) Neglect which is the substantial deprivation of
29 the minimum food, shelter, clothing, supervision, or
30 physical or mental health care, or other care necessary
31 to maintain a vulnerable elder's life or health by a
32 caretaker.

33 (4) Financial exploitation as provided in section
34 726.24.

35 b. "Elder abuse" does not include any of the
36 following:

37 (1) Circumstances in which the vulnerable elder
38 declines medical treatment if the vulnerable elder
39 holds a belief or is an adherent of a religion whose
40 tenets and practices call for reliance on spiritual
41 means in place of reliance on medical treatment.

42 (2) Circumstances in which the vulnerable elder's
43 caretaker, acting in accordance with the vulnerable
44 elder's stated or implied consent, declines medical
45 treatment if the vulnerable elder holds a belief or is
46 an adherent of a religion whose tenets and practices
47 call for reliance on spiritual means in place of
48 reliance on medical treatment.

49 (3) The withholding or withdrawing of health care
50 from a vulnerable elder who is terminally ill in the

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1 opinion of a licensed physician, when the withholding
2 or withdrawing of health care is done at the request
3 of the vulnerable elder or at the request of the
4 vulnerable elder's next of kin, attorney in fact, or
5 guardian pursuant to the applicable procedures under
6 chapter 125, 144A, 144B, 222, 229, or 633.
7 (4) Good faith assistance by a family or household
8 member or other person in managing the financial
9 affairs of a vulnerable elder at the request of the
10 vulnerable elder or at the request of a family member,
11 guardian, or conservator of the vulnerable elder.
12 5. "Family or household member" means a spouse,
13 a person cohabiting with the vulnerable elder, a
14 parent, or a person related to the vulnerable elder
15 by consanguinity or affinity, but does not include
16 children of the vulnerable elder who are less than
17 eighteen years of age.
18 6. "Fiduciary" means a person or entity with the
19 legal responsibility to make decisions on behalf of
20 and for the benefit of a vulnerable elder and to act
21 in good faith and with fairness. "Fiduciary" includes
22 but is not limited to an attorney in fact, a guardian,
23 or a conservator.
24 7. "Financial exploitation" means financial
25 exploitation as provided in section 726.24.
26 8. "Guardian" means the same as defined in section
27 633.3.
28 9. "Peace officer" means the same as defined in
29 section 801.4.
30 10. "Plaintiff" means a vulnerable elder who
31 files a petition under this chapter and includes a
32 substitute petitioner who files a petition on behalf of
33 a vulnerable elder under this chapter.
34 11. "Present danger of elder abuse" means a
35 situation in which the defendant has recently
36 threatened the vulnerable elder with initial
37 or additional elder abuse, or the potential for
38 misappropriation, misuse, or removal of the funds,
39 benefits, property, resources, belongings, or assets of
40 the vulnerable elder combined with reasonable grounds
41 to believe that elder abuse is likely to occur.
42 12. "Pro se" means a person proceeding on the
43 person's own behalf without legal representation.
44 13. "Substitute petitioner" means the guardian,
45 conservator, attorney in fact, or guardian ad litem
46 for a vulnerable elder who files a petition under this
47 chapter.
48 14. "Vulnerable elder" means a person sixty-five
49 years of age or older who is unable to protect himself
50 or herself from elder abuse as a result of a mental or

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1 physical condition or advanced age.
2 Sec. 2. NEW SECTION. 235F.2 Commencement of
3 actions — waiver to juvenile court.
4 1. A vulnerable elder, or the guardian,
5 conservator, attorney in fact, or guardian ad litem of
6 a vulnerable elder, may seek relief from elder abuse
7 by filing a verified petition in the district court.
8 Venue shall lie where either party resides. The
9 petition shall state all of the following:
10 a. The name of the vulnerable elder and the name
11 and address of the vulnerable elder's attorney, if
12 any. If the vulnerable elder is proceeding pro se,
13 the petition shall state a mailing address for the
14 vulnerable elder.
15 b. The name of the substitute petitioner if the
16 petition is being filed on behalf of a vulnerable
17 elder, and the name and address of the attorney of the
18 substitute petitioner. If the substitute petitioner is
19 proceeding pro se, the petition shall state a mailing
20 address for the substitute petitioner.
21 c. The name and address, if known, of the
22 defendant.
23 d. The relationship of the vulnerable elder to the
24 defendant.
25 e. The nature of the alleged elder abuse.
26 f. The name and age of any other individual whose
27 welfare may be affected.
28 g. The desired relief, including a request for
29 temporary or emergency orders.
30 2. A temporary or emergency order may be based on a
31 showing of a prima facie case of elder abuse. If the
32 factual basis for the alleged elder abuse is contested,
33 the court shall issue a protective order based upon
34 a finding of elder abuse by a preponderance of the
35 evidence.
36 3. a. The filing fee and court costs for an order
37 for protection and in a contempt action resulting from
38 an order granted under this chapter or chapter 664A
39 shall be waived for the plaintiff.
40 b. The clerk of court, the sheriff of any county in
41 this state, and other law enforcement and corrections
42 officers shall perform their duties relating to service
43 of process without charge to the plaintiff.
44 c. When a permanent order for protection is entered
45 by the court, the court may direct the defendant to pay
46 to the clerk of court the fees for the filing of the
47 petition and reasonable costs of service of process if
48 the court determines the defendant has the ability to
49 pay the plaintiff's fees and costs.
50 d. In lieu of personal service of an order for

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1 protection issued pursuant to this section, the
2 sheriff of any county in the state, and any other
3 law enforcement and corrections officers may serve a
4 defendant with a short-form notification pursuant to
5 section 664A.4A.
6 4. If the person against whom relief from elder
7 abuse is being sought is seventeen years of age
8 or younger, the district court shall waive its
9 jurisdiction over the action to the juvenile court.
10 5. If a substitute petitioner files a petition
11 under this section on behalf of a vulnerable elder, the
12 vulnerable elder shall retain the right to all of the
13 following:
14 a. To contact and retain counsel.
15 b. To have access to personal records.
16 c. To file objections to the protective order.
17 d. To request a hearing on the petition.
18 e. To present evidence and cross-examine witnesses
19 at the hearing.
20 6. The relief provided under this chapter shall
21 not be available if the action involves a guardian
22 or conservator of the vulnerable elder and the relief
23 sought is more appropriately obtained in a protective
24 proceeding filed under chapter 633.
25 **Sec. 3. NEW SECTION. 235F.3 Plaintiffs proceeding**
26 **pro se — provision of forms and assistance.**
27 1. The judicial branch shall prescribe standard
28 forms to be used by vulnerable elders or substitute
29 petitioners seeking protective orders by proceeding pro
30 se in actions under this chapter. The standard forms
31 shall include language in fourteen point boldface type.
32 Standard forms prescribed by the judicial branch shall
33 be the exclusive forms used by plaintiffs proceeding
34 pro se under this chapter. The judicial branch shall
35 distribute the forms to the clerks of the district
36 courts.
37 2. The clerk of the district court shall furnish
38 the required forms to persons seeking protective orders
39 through pro se proceedings pursuant to this chapter.
40 **Sec. 4. NEW SECTION. 235F.4 Appointment of**
41 **guardian ad litem.**
42 The court may on its own motion or on the motion of
43 a party appoint a guardian ad litem for a vulnerable
44 elder if justice requires. The vulnerable elder's
45 attorney shall not also serve as the guardian ad litem.
46 **Sec. 5. NEW SECTION. 235F.5 Hearings — temporary**
47 **orders.**
48 1. Not less than five and not more than fifteen
49 days after commencing a proceeding and upon notice to
50 the other party, a hearing shall be held at which the

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1 plaintiff must prove the allegation of elder abuse by a
2 preponderance of the evidence.

3 2. The court may enter any temporary order it deems
4 necessary to protect the vulnerable elder from elder
5 abuse prior to the hearing, upon good cause shown in
6 an ex parte proceeding. Present danger of elder abuse
7 constitutes good cause for purposes of this subsection.

8 3. If a hearing is continued, the court may make or
9 extend any temporary order under subsection 2 that it
10 deems necessary.

11 4. Upon application of a party, the court shall
12 issue subpoenas requiring attendance and testimony of
13 witnesses and production of papers.

14 5. The court shall advise the defendant of a
15 right to be represented by counsel of the defendant's
16 choosing and to have a continuance to secure counsel.

17 6. The showing required under subsection 1 may be
18 made by, but is not limited to the testimony at the
19 hearing of, any of the following:

20 a. The vulnerable elder.

21 b. The guardian, conservator, attorney in fact, or
22 guardian ad litem of the vulnerable elder.

23 c. Witnesses to the elder abuse.

24 d. Adult protective services workers who have
25 conducted an investigation.

26 7. The court shall exercise its discretion in
27 a manner that protects the vulnerable elder from
28 traumatic confrontation with the defendant.

29 8. Hearings shall be recorded.

30 Sec. 6. NEW SECTION. 235F.6 Disposition.

31 1. Upon a finding that the defendant has engaged
32 in elder abuse, the court may, if requested by the
33 plaintiff, order any of the following:

34 a. That the defendant be required to move from
35 the residence of the vulnerable elder if both the
36 vulnerable elder and the defendant are titleholders or
37 contract holders of record of the real property, are
38 named as tenants in the rental agreement concerning the
39 use and occupancy of the dwelling unit, or are married
40 to each other.

41 b. That the defendant provide suitable alternative
42 housing for the vulnerable elder.

43 c. That a peace officer accompany the party who is
44 leaving or has left the party's residence to remove
45 essential personal effects of the party.

46 d. That the defendant be restrained from abusing,
47 intimidating, molesting, interfering with, or
48 menacing the vulnerable elder, or attempting to abuse,
49 intimidate, molest, interfere with, or menace the
50 vulnerable elder.

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1 *e.* That the defendant be restrained from entering
2 or attempting to enter on any premises when it appears
3 to the court that such restraint is necessary to
4 prevent the defendant from abusing, intimidating,
5 molesting, interfering with, or menacing the vulnerable
6 elder.
7 *f.* That the defendant be restrained from exercising
8 any powers on behalf of the vulnerable elder through a
9 court-appointed guardian, conservator, or guardian ad
10 litem, an attorney in fact, or another third party.
11 *g.* In addition to the relief provided in subsection
12 2, other relief that the court considers necessary to
13 provide for the safety and welfare of the vulnerable
14 elder.
15 2. If the court finds that the vulnerable elder has
16 been the victim of financial exploitation, the court
17 may order the relief the court considers necessary to
18 prevent or remedy the financial exploitation, including
19 but not limited to any of the following:
20 *a.* Directing the defendant to refrain from
21 exercising control over the funds, benefits, property,
22 resources, belongings, or assets of the vulnerable
23 elder.
24 *b.* Requiring the defendant to return custody or
25 control of the funds, benefits, property, resources,
26 belongings, or assets to the vulnerable elder.
27 *c.* Requiring the defendant to follow the
28 instructions of the guardian, conservator, or attorney
29 in fact of the vulnerable elder.
30 *d.* Prohibiting the defendant from transferring the
31 funds, benefits, property, resources, belongings, or
32 assets of the vulnerable elder to any person other than
33 the vulnerable elder.
34 3. The court shall not use an order issued under
35 this section to do any of the following:
36 *a.* To allow any person other than the vulnerable
37 elder to assume responsibility for the funds, benefits,
38 property, resources, belongings, or assets of the
39 vulnerable elder.
40 *b.* For relief that is more appropriately obtained
41 in a protective proceeding filed under chapter 633
42 including but not limited to giving control and
43 management of the funds, benefits, property, resources,
44 belongings, or assets of the vulnerable elder to a
45 guardian, conservator, or attorney in fact for any
46 purpose other than the relief granted under subsection
47 2.
48 4. The court may approve a consent agreement
49 between the parties entered to bring about the
50 cessation of elder abuse. A consent agreement approved

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1 under this section shall not contain any of the
2 following:
3 a. A provision that prohibits any party to the
4 action from contacting or cooperating with any
5 government agency including the department of human
6 services, the department of inspections and appeals,
7 the department on aging, the department of justice,
8 law enforcement, and the office of long-term care
9 ombudsman; a licensing or regulatory agency that has
10 jurisdiction over any license or certification held
11 by the defendant; a protection and advocacy agency
12 recognized in section 135C.2; or the defendant's
13 current employer if the defendant's professional
14 responsibilities include contact with vulnerable
15 elders, dependent adults, or minors, if the party
16 contacting or cooperating has a good-faith belief
17 that the information is relevant to the duties or
18 responsibilities of the entity.
19 b. A provision that prohibits any party to the
20 action from filing a complaint with or reporting a
21 violation of law to any government agency including
22 the department of human services, the department of
23 inspections and appeals, the department on aging, the
24 department of justice, law enforcement, and the office
25 of long-term care ombudsman; a licensing or regulatory
26 agency that has jurisdiction over any license or
27 certification held by the defendant; a protection and
28 advocacy agency recognized in section 135C.2; or the
29 defendant's current employer.
30 c. A provision that requires any party to the
31 action to withdraw a complaint filed with or a
32 violation reported to any government agency including
33 the department of human services, the department of
34 inspections and appeals, the department on aging, the
35 department of justice, law enforcement, and the office
36 of long-term care ombudsman; a licensing or regulatory
37 agency that has jurisdiction over any license or
38 certification held by the defendant; a protection and
39 advocacy agency recognized in section 135C.2; or the
40 defendant's current employer.
41 5. A protective order or approved consent agreement
42 shall be for a fixed period of time not to exceed one
43 year. The court may amend or extend its order or a
44 consent agreement at any time upon a petition filed by
45 either party and after notice and hearing. The court
46 may extend the order if the court, after hearing at
47 which the defendant has the opportunity to be heard,
48 finds that the defendant continues to pose a threat to
49 the safety of the vulnerable elder, persons residing
50 with the vulnerable elder, or members of the vulnerable

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1 elder's immediate family, or continues to present a
2 risk of financial exploitation of the vulnerable elder.
3 The number of extensions that may be granted by the
4 court is not limited.

5 6. The order shall state whether a person is to be
6 taken into custody by a peace officer for a violation
7 of the terms stated in the order.

8 7. The court may order that the defendant pay the
9 attorney fees and court costs.

10 8. An order or approved consent agreement under
11 this section shall not affect title to real property.

12 9. A copy of any order or approved consent
13 agreement shall be issued to the plaintiff, the
14 defendant, the county sheriff of the county in which
15 the order or consent decree is initially entered, and
16 the twenty-four-hour dispatcher for the county sheriff.
17 Any subsequent amendment or revocation of an order or
18 consent agreement shall be forwarded by the clerk to
19 all individuals previously notified.

20 10. The clerk shall notify the county sheriff and
21 the twenty-four-hour dispatcher for the county sheriff
22 in writing so that the county sheriff and the county
23 sheriff's dispatcher receive written notice within six
24 hours of filing the order, approved consent agreement,
25 amendment, or revocation. The clerk may fulfill this
26 requirement by sending the notice by facsimile or other
27 electronic transmission which reproduces the notice in
28 writing within six hours of filing the order.

29 11. The county sheriff's dispatcher shall notify
30 all law enforcement agencies having jurisdiction over
31 the matter and the twenty-four-hour dispatcher for
32 the law enforcement agencies upon notification by the
33 clerk.

34 **Sec. 7. NEW SECTION. 235F.7 Emergency orders.**

35 1. When the court is unavailable from the close
36 of business at the end of the day or week to the
37 resumption of business at the beginning of the day or
38 week, a petition may be filed before a district judge,
39 or district associate judge designated by the chief
40 judge of the judicial district, who may grant emergency
41 relief in accordance with section 235F.6, subsection 1
42 or 2, if the district judge or district associate judge
43 deems it necessary to protect the vulnerable elder
44 from elder abuse, upon good cause shown in an ex parte
45 proceeding. Present danger of elder abuse constitutes
46 good cause for purposes of this subsection.

47 2. An emergency order issued under subsection 1
48 shall expire seventy-two hours after issuance. When
49 the order expires, the plaintiff may seek a temporary
50 order from the court pursuant to section 235F.5.

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1 3. A petition filed and emergency order issued
2 under this section and any documentation in support of
3 the petition and order shall be immediately certified
4 to the court. The certification shall commence a
5 proceeding for purposes of section 235F.2.
6 Sec. 8. NEW SECTION. 235F.8 Procedure.
7 1. A proceeding under this chapter shall be held in
8 accordance with the rules of civil procedure, except
9 as otherwise set forth in this chapter and in chapter
10 664A, and is in addition to any other civil or criminal
11 remedy.
12 2. The plaintiff's right to relief under this
13 chapter is not affected by leaving the vulnerable
14 elder's home to avoid elder abuse.
15 DIVISION II
16 FINANCIAL EXPLOITATION OF VULNERABLE ELDERS
17 Sec. 9. NEW SECTION. 726.24 Financial exploitation
18 of a vulnerable elder.
19 1. A person commits financial exploitation of a
20 vulnerable elder when the person stands in a position
21 of trust or confidence with the vulnerable elder and
22 knowingly and by undue influence, deception, coercion,
23 fraud, or extortion, obtains control over or otherwise
24 uses the benefits, property, resources, belongings, or
25 assets of the vulnerable elder for the person's own
26 benefit or gain.
27 2. A person who commits financial exploitation
28 of a vulnerable elder is guilty of the following, as
29 applicable:
30 a. Financial exploitation in the fifth degree which
31 is a simple misdemeanor if the value of the funds,
32 benefits, property, resources, belongings, or assets is
33 two hundred dollars or less.
34 b. Financial exploitation in the fourth degree
35 which is a serious misdemeanor if the value of the
36 funds, benefits, property, resources, belongings, or
37 assets exceeds two hundred dollars but does not exceed
38 five hundred dollars.
39 c. Financial exploitation in the third degree which
40 is an aggravated misdemeanor if the value of the funds,
41 benefits, property, resources, belongings, or assets
42 exceeds five hundred dollars but does not exceed one
43 thousand dollars.
44 d. Financial exploitation in the second degree
45 which is a class "D" felony if the value of the funds,
46 benefits, property, resources, belongings, or assets
47 exceeds one thousand dollars but does not exceed ten
48 thousand dollars.
49 e. Financial exploitation in the first degree
50 which is a class "C" felony if the value of the funds,

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1 benefits, property, resources, belongings, or assets
2 exceeds ten thousand dollars.
3 3. Nothing in this section shall be construed to
4 impose criminal liability on a person who has made a
5 good-faith effort to assist a vulnerable elder in the
6 management of the vulnerable elder's funds, benefits,
7 property, resources, belongings, or assets, but through
8 no fault of the person, the person has been unable to
9 provide such assistance or does not achieve the results
10 sought by the vulnerable elder.
11 4. For the purposes of this section:
12 a. "Coercion" means communication or conduct which
13 unduly compels a vulnerable elder to act or refrain
14 from acting against the vulnerable elder's will and
15 against the vulnerable elder's best interests.
16 b. "Stands in a position of trust or confidence"
17 means the person has any of the following relationships
18 relative to the vulnerable elder:
19 (1) Is a parent, spouse, adult child, or other
20 relative by consanguinity or affinity of the vulnerable
21 elder.
22 (2) Is a caretaker for the vulnerable elder other
23 than a facility or person governed by chapter 235E.
24 (3) Is a person who is in a confidential
25 relationship with the vulnerable elder.
26 c. "Undue influence" means taking advantage of a
27 person's role, relationship, or authority to improperly
28 change or obtain control over the actions or decision
29 making of a vulnerable elder against the vulnerable
30 elder's best interests.
31 d. "Vulnerable elder" means the same as defined in
32 section 235F.1.
33 Sec. 10. CODE EDITOR DIRECTIVES. The Code editor
34 shall create a new subchapter in chapter 726, entitled
35 "protection of vulnerable elders" that includes section
36 726.24, as enacted in this Act.
37 DIVISION III
38 CONFORMING AMENDMENTS
39 Sec. 11. Section 13.2, subsection 1, Code 2014, is
40 amended by adding the following new paragraph:
41 NEW PARAGRAPH. o. Develop written procedures and
42 policies to be followed by prosecuting attorneys in the
43 prosecution of elder abuse and financial exploitation
44 of a vulnerable elder under chapter 235F and section
45 726.24.
46 Sec. 12. Section 13.31, subsection 3, Code 2014, is
47 amended to read as follows:
48 3. Administer the domestic abuse program provided
49 in chapter 236 and elder abuse actions commenced under
50 chapter 235F.

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1 Sec. 13. Section 135B.7, Code 2014, is amended by
2 adding the following new subsection:
3 NEW SUBSECTION. 5. The department shall also adopt
4 rules requiring hospitals to establish and implement
5 protocols for responding to the needs of patients who
6 are victims of elder abuse, as defined in section
7 235F.1.

8 Sec. 14. Section 232.8, subsection 1, Code 2014, is
9 amended by adding the following new paragraph:

10 NEW PARAGRAPH. e. The juvenile court shall have
11 jurisdiction in proceedings commenced against a child
12 pursuant to section 235F.2 over which the district
13 court has waived its jurisdiction. The juvenile court
14 shall hear the action in the manner of an adjudicatory
15 hearing under section 232.47, subject to the following:

16 (1) The juvenile court shall abide by the
17 provisions of sections 235F.5 and 235F.6 in holding
18 hearings and making a disposition.

19 (2) The plaintiff is entitled to proceed pro se
20 under section 235F.3.

21 Sec. 15. Section 232.22, subsection 1, Code 2014,
22 is amended by adding the following new paragraph:

23 NEW PARAGRAPH. h. There is probable cause to
24 believe that the child has committed a delinquent
25 act which would be elder abuse under chapter 235F if
26 committed by an adult.

27 Sec. 16. Section 232.52, subsection 2, Code 2014,
28 is amended by adding the following new paragraph:

29 NEW PARAGRAPH. i. In the case of a child
30 adjudicated delinquent for an act which would be a
31 violation of chapter 235F if committed by an adult,
32 an order requiring the child to attend a batterers'
33 treatment program under section 708.2B.

34 Sec. 17. Section 331.424, subsection 1, paragraph
35 a, subparagraph (6), Code 2014, is amended to read as
36 follows:

37 (6) The maintenance and operation of the courts,
38 including but not limited to the salary and expenses
39 of the clerk of the district court and other employees
40 of the clerk's office, and bailiffs, court costs
41 if the prosecution fails or if the costs cannot be
42 collected from the person liable, costs and expenses
43 of prosecution under section 189A.17, salaries and
44 expenses of juvenile court officers under chapter 602,
45 court-ordered costs in domestic abuse cases under
46 section 236.5 and elder abuse cases under section
47 235F.6, the county's expense for confinement of
48 prisoners under chapter 356A, temporary assistance
49 to the county attorney, county contributions to a
50 retirement system for bailiffs, reimbursement for

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1 judicial magistrates under section 602.6501, claims
2 filed under section 622.93, interpreters' fees under
3 section 622B.7, uniform citation and complaint supplies
4 under section 805.6, and costs of prosecution under
5 section 815.13.

6 Sec. 18. Section 562A.27A, subsection 3, paragraph
7 a, subparagraph (1), Code 2014, is amended to read as
8 follows:

9 (1) The tenant seeks a protective order,
10 restraining order, order to vacate the homestead, or
11 other similar relief pursuant to chapter 235F, 236,
12 598, 664A, or 915, or any other applicable provision
13 which would apply to the person conducting the
14 activities causing the clear and present danger.

15 Sec. 19. Section 562B.25A, subsection 3, paragraph
16 a, subparagraph (1), Code 2014, is amended to read as
17 follows:

18 (1) The tenant seeks a protective order,
19 restraining order, order to vacate the homestead, or
20 other similar relief pursuant to chapter 235F, 236,
21 598, 664A, or 915, or any other applicable provision
22 which would apply to the person conducting the
23 activities causing the clear and present danger.

24 Sec. 20. Section 598.7, subsection 1, Code 2014, is
25 amended to read as follows:

26 1. The district court may, on its own motion or
27 on the motion of any party, order the parties to
28 participate in mediation in any dissolution of marriage
29 action or other domestic relations action. Mediation
30 performed under this section shall comply with the
31 provisions of chapter 679C. The provisions of this
32 section shall not apply if the action involves a child
33 support or medical support obligation enforced by
34 the child support recovery unit. The provisions of
35 this section shall not apply to actions which involve
36 elder abuse as defined in section 235F.1 or domestic
37 abuse pursuant to chapter 236. The provisions of
38 this section shall not affect a judicial district's
39 or court's authority to order settlement conferences
40 pursuant to rules of civil procedure. The court shall,
41 on application of a party, grant a waiver from any
42 court-ordered mediation under this section if the party
43 demonstrates that a history of domestic abuse exists as
44 specified in section 598.41, subsection 3, paragraph
45 "j".

46 Sec. 21. Section 598.16, subsection 7, Code 2014,
47 is amended to read as follows:

48 7. Upon application, the court shall grant a waiver
49 from the requirements of this section if a party
50 demonstrates that a history of elder abuse, as defined

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1 in section 235F.1, or domestic abuse, as defined in
2 section 236.2, exists.

3 a. In determining whether a history of elder abuse
4 exists, the court's consideration shall include but
5 is not limited to commencement of an action pursuant
6 to section 235F.2, the issuance of a court order or
7 consent agreement pursuant to section 235F.6, the
8 issuance of an emergency order pursuant to section
9 235F.7, the holding of a party in contempt pursuant to
10 section 664A.7, the response of a peace officer to the
11 scene of alleged elder abuse, or the arrest of a party
12 following response to a report of alleged elder abuse.

13 b. In determining whether a history of domestic
14 abuse exists, the court's consideration shall include
15 but is not limited to commencement of an action
16 pursuant to section 236.3, the issuance of a protective
17 order against a party or the issuance of a court order
18 or consent agreement pursuant to section 236.5, the
19 issuance of an emergency order pursuant to section
20 236.6, the holding of a party in contempt pursuant
21 to section 664A.7, the response of a peace officer
22 to the scene of alleged domestic abuse or the arrest
23 of a party following response to a report of alleged
24 domestic abuse, or a conviction for domestic abuse
25 assault pursuant to section 708.2A.

26 Sec. 22. Section 598.41, subsection 3, paragraph j,
27 Code 2014, is amended to read as follows:

28 j. Whether a history of elder abuse, as defined in
29 section 235F.1 or domestic abuse, as defined in section
30 236.2, exists.

31 (1) In determining whether a history of elder abuse
32 exists, the court's consideration shall include but
33 is not limited to commencement of an action pursuant
34 to section 235F.2, the issuance of a court order or
35 consent agreement pursuant to section 235F.6, the
36 issuance of an emergency order pursuant to section
37 235F.7, the holding of a party in contempt pursuant to
38 section 664A.7, the response of a peace officer to the
39 scene of alleged elder abuse or the arrest of a party
40 following response to a report of alleged elder abuse.

41 (2) In determining whether a history of domestic
42 abuse exists, the court's consideration shall include
43 but is not limited to commencement of an action
44 pursuant to section 236.3, the issuance of a protective
45 order against the parent or the issuance of a court
46 order or consent agreement pursuant to section 236.5,
47 the issuance of an emergency order pursuant to section
48 236.6, the holding of a parent in contempt pursuant
49 to section 664A.7, the response of a peace officer to
50 the scene of alleged domestic abuse or the arrest of

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1 a parent following response to a report of alleged
2 domestic abuse, or a conviction for domestic abuse
3 assault pursuant to section 708.2A.

4 Sec. 23. Section 598.41D, subsection 4, paragraph
5 b, subparagraph (2), Code 2014, is amended to read as
6 follows:

7 (2) That the specified family member does not have
8 a history of elder abuse, as defined in section 235F.1
9 or domestic abuse, as defined in section 236.2.

10 (a) In determining whether a history of elder abuse
11 exists, the court's consideration shall include but
12 is not limited to commencement of an action pursuant
13 to section 235F.2, the issuance of a court order or
14 consent agreement pursuant to section 235F.6, the
15 issuance of an emergency order pursuant to section
16 235F.7, the holding of a party in contempt pursuant to
17 section 664A.7, the response of a peace officer to the
18 scene of alleged elder abuse or the arrest of a party
19 following response to a report of alleged elder abuse.

20 (b) In determining whether a history of domestic
21 abuse exists, the court's consideration shall include
22 but is not limited to commencement of an action
23 pursuant to section 236.3, the issuance of a protective
24 order against the individual or the issuance of a
25 court order or consent agreement pursuant to section
26 236.5, the issuance of an emergency order pursuant to
27 section 236.6, the holding of an individual in contempt
28 pursuant to section 664A.7, the response of a peace
29 officer to the scene of alleged domestic abuse or the
30 arrest of an individual following response to a report
31 of alleged domestic abuse, or a conviction for domestic
32 abuse assault pursuant to section 708.2A.

33 Sec. 24. Section 598.42, Code 2014, is amended to
34 read as follows:

35 **598.42 Notice of certain orders by clerk of court.**

36 The clerk of the district court shall provide notice
37 and copies of temporary or permanent protective orders
38 and orders to vacate the homestead entered pursuant
39 to this chapter to the applicable law enforcement
40 agencies and the twenty-four hour dispatcher for the
41 law enforcement agencies, in the manner provided for
42 protective orders under section 235F.6 or 236.5. The
43 clerk shall provide notice and copies of modifications
44 or vacations of these orders in the same manner.

45 Sec. 25. Section 602.6306, subsection 2, Code 2014,
46 is amended to read as follows:

47 2. District associate judges also have jurisdiction
48 in civil actions for money judgment where the amount
49 in controversy does not exceed ten thousand dollars;
50 jurisdiction over involuntary commitment, treatment,

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1 or hospitalization proceedings under chapters 125 and
2 229; jurisdiction of indictable misdemeanors, class
3 "D" felony violations, and other felony arraignments;
4 jurisdiction to enter a temporary or emergency order of
5 protection under chapter 235F or 236, and to make court
6 appointments and set hearings in criminal matters;
7 jurisdiction to enter orders in probate which do not
8 require notice and hearing and to set hearings in
9 actions under chapter 633 or 633A; and the jurisdiction
10 provided in section 602.7101 when designated as a
11 judge of the juvenile court. While presiding in these
12 subject matters a district associate judge shall employ
13 district judges' practice and procedure.

14 Sec. 26. Section 611.23, Code 2014, is amended to
15 read as follows:

16 **611.23 Civil actions involving allegations of elder**
17 **abuse, sexual abuse, or domestic abuse — counseling.**

18 In a civil case in which a plaintiff is seeking
19 relief or damages for alleged elder abuse as defined
20 in section 235F.1, sexual abuse as defined in section
21 709.1, or domestic abuse as defined in section 236.2,
22 the plaintiff may seek, and the court may grant, an
23 order requiring the defendant to receive professional
24 counseling, in addition to any other appropriate relief
25 or damages.

26 Sec. 27. Section 664A.1, subsection 2, Code 2014,
27 is amended to read as follows:

28 2. "Protective order" means a protective order
29 issued pursuant to chapter 232, a court order or
30 court-approved consent agreement entered pursuant
31 to this chapter or chapter 235F, a court order or
32 court-approved consent agreement entered pursuant to
33 chapter 236, including a valid foreign protective
34 order under section 236.19, subsection 3, a temporary
35 or permanent protective order or order to vacate
36 the homestead under chapter 598, or an order that
37 establishes conditions of release or is a protective
38 order or sentencing order in a criminal prosecution
39 arising from a domestic abuse assault under section
40 708.2A, or a civil injunction issued pursuant to
41 section 915.22.

42 Sec. 28. Section 664A.2, subsection 2, Code 2014,
43 is amended to read as follows:

44 2. A protective order issued in a civil proceeding
45 shall be issued pursuant to chapter 232, 235F,
46 236, 598, or 915. Punishment for a violation of a
47 protective order shall be imposed pursuant to section
48 664A.7.

49 Sec. 29. Section 664A.4, subsection 2, Code 2014,
50 is amended to read as follows:

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1 2. The clerk of the district court shall
2 provide a notice and copy of the no-contact order
3 to the appropriate law enforcement agencies and the
4 twenty-four-hour dispatcher for the law enforcement
5 agencies in the same manner as provided in section
6 235F.6 or 236.5, as applicable. The clerk of the
7 district court shall provide a notice and copy of a
8 modification or vacation of a no-contact order in the
9 same manner.
10 Sec. 30. Section 664A.5, Code 2014, is amended to
11 read as follows:
12 **664A.5 Modification — entry of permanent no-contact**
13 **order.**
14 If a defendant is convicted of, receives a deferred
15 judgment for, or pleads guilty to a public offense
16 referred to in section 664A.2, subsection 1, or is
17 held in contempt for a violation of a no-contact order
18 issued under section 664A.3 or for a violation of a
19 protective order issued pursuant to chapter 232, 235F,
20 236, 598, or 915, the court shall either terminate or
21 modify the temporary no-contact order issued by the
22 magistrate. The court may enter a no-contact order or
23 continue the no-contact order already in effect for
24 a period of five years from the date the judgment is
25 entered or the deferred judgment is granted, regardless
26 of whether the defendant is placed on probation.
27 Sec. 31. Section 664A.7, subsections 1 and 5, Code
28 2014, are amended to read as follows:
29 1. Violation of a no-contact order issued under
30 this chapter or a protective order issued pursuant to
31 chapter 232, 235F, 236, or 598, including a modified
32 no-contact order, is punishable by summary contempt
33 proceedings.
34 5. Violation of a no-contact order entered for the
35 offense or alleged offense of domestic abuse assault
36 in violation of section 708.2A or a violation of a
37 protective order issued pursuant to chapter 232, 235F,
38 236, 598, or 915 constitutes a public offense and is
39 punishable as a simple misdemeanor. Alternatively, the
40 court may hold a person in contempt of court for such a
41 violation, as provided in subsection 3.
42 Sec. 32. Section 804.7, Code 2014, is amended by
43 adding the following new subsection:
44 **NEW SUBSECTION. 7.** If the peace officer has
45 reasonable grounds for believing that elder abuse
46 as defined in section 235F.1 has occurred and has
47 reasonable grounds for believing that the person to be
48 arrested has committed it.
49 Sec. 33. Section 915.23, subsection 1, Code 2014,
50 is amended to read as follows:

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1 1. An employer shall not discharge an employee, or
2 take or fail to take action regarding an employee's
3 promotion or proposed promotion, or take action to
4 reduce an employee's wages or benefits for actual time
5 worked, due to the service of an employee as a witness
6 in a criminal proceeding or as a plaintiff, defendant,
7 or witness in a civil proceeding pursuant to chapter
8 235F or 236.

9 Sec. 34. **NEW SECTION. 915.50A General rights of**
10 **elder abuse victims.**

11 In addition to other victim rights provided in
12 this chapter, victims of elder abuse shall have the
13 following rights:

14 1. The right to file a pro se petition for relief
15 from elder abuse in the district court, pursuant to
16 chapter 235F.

17 2. The right to receive a criminal no-contact order
18 upon a finding of probable cause, pursuant to section
19 664A.3.

20 Sec. 35. Section 915.94, Code 2014, is amended to
21 read as follows:

22 **915.94 Victim compensation fund.**

23 A victim compensation fund is established as
24 a separate fund in the state treasury. Moneys
25 deposited in the fund shall be administered by the
26 department and dedicated to and used for the purposes
27 of section 915.41 and this subchapter. In addition,
28 the department may use moneys from the fund for the
29 purpose of the department's prosecutor-based victim
30 service coordination, including the duties defined in
31 sections 910.3 and 910.6 and this chapter, and for the
32 award of funds to programs that provide services and
33 support to victims of elder abuse as defined in section
34 235F.1, domestic abuse or sexual assault as provided in
35 chapter 236, to victims under section 710A.2, and for
36 the support of an automated victim notification system
37 established in section 915.10A. The department may
38 also use up to one hundred thousand dollars from the
39 fund to provide training for victim service providers.
40 Notwithstanding section 8.33, any balance in the fund
41 on June 30 of any fiscal year shall not revert to the
42 general fund of the state.

43 Sec. 36. **CODE EDITOR DIRECTIVE.** The Code editor
44 shall revise the subchapter VI heading under chapter
45 915 to read "Victims of domestic abuse, elder abuse,
46 and human trafficking".

47 **DIVISION IV**

48 **TASK FORCE ON ELDER ABUSE PREVENTION AND INTERVENTION**

49 Sec. 37. **TASK FORCE ON ELDER ABUSE PREVENTION AND**
50 **INTERVENTION.**

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1 1. The department on aging shall continue a task
2 force on elder abuse prevention and intervention
3 to continue the work of the elder abuse task force
4 established pursuant to 2012 Iowa Acts, chapter 1056,
5 and continued pursuant to 2013 Iowa Acts, chapter
6 138, section 50. The task force shall include
7 representatives of the department on aging, the office
8 of long-term care resident's advocate, the department
9 of human services, the department of inspections and
10 appeals, the department of public health, the office
11 of the attorney general, the department of veterans
12 affairs, the department of public safety, the insurance
13 division of the department of commerce, a county
14 attorney's office with experience in prosecuting elder
15 abuse, the superintendent of banking, the courts, the
16 elder law section of the Iowa state bar association,
17 and other affected stakeholders. The task force shall
18 form workgroups as necessary to address the specific
19 recommendations.
20 2. The task force shall review the report of the
21 task force on elder abuse prevention and intervention
22 submitted in December 2013, develop a unified
23 implementation plan for the recommendations, and make
24 any additional recommendations as necessary.
25 3. The task force shall submit the unified
26 implementation plan and additional recommendations in a
27 report to the elder abuse prevention and intervention
28 legislative interim committee established pursuant
29 to 2013 Iowa Acts, chapter 138, section 51, or its
30 successor committee, by August 15, 2014. The elder
31 abuse prevention and intervention legislative interim
32 committee or its successor committee shall include the
33 chairs and ranking members of the house and senate
34 standing judiciary committees. The interim committee
35 or its successor committee shall meet once during
36 the 2014 legislative interim to receive and make
37 recommendations on the report of the task force.>

COMMITTEE ON JUDICIARY
BALTIMORE of Boone, Chairperson

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Iowa General Assembly
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Senate File 2118

H-8120

- 1 Amend Senate File 2118, as passed by the Senate, as
2 follows:
3 1. Page 1, before line 1 by inserting:
4 <Sec. _____. Section 236.2, Code 2014, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 01. "Child" means a person under
7 eighteen years of age and includes an unborn child.
8 Sec. _____. Section 236.3, subsection 1, paragraph f,
9 Code 2014, is amended to read as follows:
10 f. Name and age of each child under eighteen whose
11 welfare may be affected by the controversy, if known.>
12 2. Page 2, after line 6 by inserting:
13 <Sec. _____. Section 664A.7, subsection 5, Code 2014,
14 is amended to read as follows:
15 5. a. Violation Except as provided in paragraph
16 "b", violation of a no-contact order entered for the
17 offense or alleged offense of domestic abuse assault
18 in violation of section 708.2A or a violation of
19 a protective order issued pursuant to chapter 232,
20 236, 598, or 915 constitutes a public offense and is
21 punishable as a simple misdemeanor. Alternatively, the
22 court may hold a person in contempt of court for such a
23 violation, as provided in subsection 3.
24 b. Violation of a protective order issued pursuant
25 to chapter 236 where the violation results in the
26 death of an unborn child is punishable as a class "D"
27 felony.>
28 3. Title page, by striking lines 1 through 4 and
29 inserting <An Act relating to domestic abuse protective
30 orders and providing penalties.>
31 4. By renumbering as necessary.

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House File 2354

H-8121

1 Amend House File 2354 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 48A.9, subsection 1, Code 2014,
5 is amended to read as follows:

6 1. Registration closes at 5:00 p.m. eleven days
7 before each election except ~~primary and~~ general
8 elections. For ~~primary and~~ general elections,
9 registration closes at 5:00 p.m. ten days before the
10 election. An eligible elector may register during the
11 time registration is closed in the elector's precinct
12 but the registration shall not become effective until
13 registration opens again in the elector's precinct,
14 except as otherwise provided in section 48A.7A.

15 Sec. 2. Section 48A.26, subsection 3, Code 2014, is
16 amended to read as follows:

17 3. If the registration form is missing required
18 information pursuant to section 48A.11, subsection 8,
19 the acknowledgment shall advise the applicant what
20 additional information is required. The commissioner
21 shall enclose a new registration form for the applicant
22 to use. If the registration form has no address,
23 the commissioner shall make a reasonable effort to
24 determine where the acknowledgment should be sent. If
25 the incomplete registration form is received during
26 the period in which registration is closed pursuant to
27 section 48A.9 but by 5:00 p.m. on the Saturday before
28 the election for general and ~~primary~~ elections or by
29 5:00 p.m. on the Friday before the election for all
30 other elections, the commissioner shall send a notice
31 advising the applicant of election day and in-person
32 absentee registration procedures under section 48A.7A.

33 Sec. 3. Section 50.20, Code 2014, is amended to
34 read as follows:

35 **50.20 Notice of number of provisional ballots.**

36 The commissioner shall compile a list of the number
37 of provisional ballots cast under section 49.81 in each
38 precinct. The list shall be made available to the
39 public as soon as possible, but in no case later than
40 9:00 a.m. on the second day following the election.
41 Any elector may examine the list during normal office
42 hours, and may also examine the ~~affidavit~~ affidavits
43 on the envelopes bearing containing the ballots of
44 challenged electors until the reconvening of the
45 special precinct board as required by this chapter.
46 Only those persons so permitted by section 53.23,
47 subsection 4, shall have access to the affidavits
48 while that board is in session. Any elector may
49 present written statements or documents, supporting or
50 opposing the counting of any provisional ballot, at

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1 the commissioner's office until the reconvening of the
2 special precinct board.
3 Sec. 4. Section 53.2, subsection 6, Code 2014, is
4 amended to read as follows:
5 6. If an application for an absentee ballot
6 is received from an eligible elector who is not a
7 registered voter the commissioner shall send the
8 eligible elector a voter registration form and another
9 absentee ballot application form. If the application
10 is received after the time registration closes pursuant
11 to section 48A.9 but by 5:00 p.m. on the Saturday
12 before the election for general ~~and primary~~ elections
13 or by 5:00 p.m. on the Friday before the election for
14 all other elections, the commissioner shall notify the
15 applicant by mail of the election day and in-person
16 absentee registration provisions of section 48A.7A.
17 In addition to notification by mail, the commissioner
18 shall also attempt to contact the applicant by any
19 other method available to the commissioner.
20 Sec. 5. Section 53.8, subsection 1, Code 2014, is
21 amended to read as follows:
22 1. *a.* Upon receipt of an application for an
23 absentee ballot and immediately after the absentee
24 ballots are printed, the commissioner shall mail an
25 absentee ballot to the applicant within twenty-four
26 hours, except as otherwise provided in subsection 3.
27 The absentee ballot shall be sent to the registered
28 voter by one of the following methods:
29 (1) The absentee ballot shall be enclosed in an
30 unsealed envelope bearing marked with a serial number
31 and affidavit. The absentee ballot and unsealed
32 affidavit envelope shall be enclosed in or with a an
33 unsealed return envelope marked postage paid which
34 bears the same serial number as the unsealed affidavit
35 envelope. The absentee ballot, unsealed affidavit
36 envelope, and return envelope shall be enclosed in a
37 third envelope to be sent to the registered voter. If
38 the ballot cannot be folded so that all of the votes
39 cast on the ballot will be hidden, the commissioner
40 shall also enclose a secrecy envelope with the absentee
41 ballot.
42 (2) The absentee ballot shall be enclosed in an
43 unsealed return envelope marked with a serial number
44 and affidavit and marked postage paid. The absentee
45 ballot and return envelope shall be enclosed in a
46 second envelope to be sent to the registered voter. If
47 the ballot cannot be folded so that all of the votes
48 cast on the ballot will be hidden, the commissioner
49 shall also enclose a secrecy envelope with the absentee
50 ballot.

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1 b. The affidavit shall be marked on the appropriate
2 envelope in a form prescribed by the state commissioner
3 of elections.

4 Sec. 6. Section 53.10, subsection 2, Code 2014, is
5 amended to read as follows:

6 2. Each person who wishes to vote by absentee
7 ballot at the commissioner's office shall first sign
8 an application for a ballot including the following
9 information: name, current address, and the election
10 for which the ballot is requested. The person may
11 report a change of address or other information on
12 the person's voter registration record at that time.
13 The registered voter shall immediately mark the
14 ballot; enclose the ballot in a secrecy envelope, if
15 necessary, and seal it in ~~an affidavit~~ the envelope
16 marked with the affidavit; subscribe to the affidavit
17 on the reverse side of the envelope; and return the
18 absentee ballot to the commissioner. The commissioner
19 shall record the numbers appearing on the application
20 and affidavit envelope along with the name of the
21 registered voter.

22 Sec. 7. Section 53.16, Code 2014, is amended to
23 read as follows:

24 **53.16 Subscribing to affidavit.**

25 After marking the ballot, the voter shall make and
26 subscribe to the affidavit on the ~~reverse side of the~~
27 affidavit envelope or on the return envelope marked
28 with the affidavit, and fold the ballot or ballots,
29 separately, so as to conceal the markings on them, and
30 deposit them in the envelope, and securely seal the
31 envelope.

32 Sec. 8. Section 53.17, subsection 1, unnumbered
33 paragraph 1, Code 2014, is amended to read as follows:

34 ~~The~~ If the commissioner mailed the ballot pursuant
35 to section 53.8, subsection 1, paragraph "a",
36 subparagraph (1), the sealed affidavit envelope
37 containing the absentee ballot shall be enclosed in a
38 return envelope which shall be securely sealed. If
39 the commissioner mailed the ballot pursuant to section
40 53.8, subsection 1, paragraph "a", subparagraph (2),
41 the absentee ballot shall be enclosed in the return
42 envelope which shall be securely sealed. The sealed
43 return envelope shall be returned to the commissioner
44 by one of the following methods:

45 Sec. 9. Section 53.17, subsection 2, Code 2014, is
46 amended to read as follows:

47 2. In order for the ballot to be counted, the
48 return envelope must be received in the commissioner's
49 office before the polls close on election day or must
50 be clearly postmarked by an officially authorized

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1 postal service not later than the day before the
2 election and received by the commissioner not later
3 than noon on the Monday following the election or must
4 be clearly postmarked by received by the commissioner
5 through an officially authorized postal service not
6 later than 5:00 p.m. on the day before after the
7 election and received by the commissioner not later
8 than noon on the Monday following the election.
9 Sec. 10. Section 53.18, subsections 2 and 3, Code
10 2014, are amended to read as follows:
11 2. If the commissioner receives the return envelope
12 containing the completed absentee ballot by 5:00
13 p.m. on the Saturday before the election for general
14 ~~and primary~~ elections and by 5:00 p.m. on the Friday
15 before the election for all other elections, the
16 commissioner shall review the affidavit marked on the
17 return envelope, if applicable, for completeness or
18 shall open the return envelope to review the affidavit
19 for completeness. If the affidavit is incomplete, the
20 commissioner shall, within twenty-four hours of the
21 time the envelope was received, notify the voter of
22 that fact and that the voter may complete the affidavit
23 in person at the office of the commissioner by 5:00
24 p.m. on the day before the election, vote a replacement
25 ballot in the manner and within the time period
26 provided in subsection 3, or appear at the voter's
27 precinct polling place on election day and cast a
28 ballot in accordance with section 53.19, subsection 3.
29 3. If the affidavit envelope or the return
30 envelope marked with the affidavit contains a defect
31 that would cause the absentee ballot to be rejected
32 by the absentee and special voters precinct board,
33 the commissioner shall immediately notify the voter
34 of that fact and that the voter's absentee ballot
35 shall not be counted unless the voter requests and
36 returns a replacement ballot in the time permitted
37 under section 53.17, subsection 2. The voter may
38 request a replacement ballot in person, in writing, or
39 over the telephone. The same serial number that was
40 assigned to the records of the original absentee ballot
41 application shall be used on the envelope and records
42 of the replacement ballot. The affidavit envelope
43 marked with the affidavit and containing the completed
44 replacement ballot shall be marked "Replacement
45 ballot". The affidavit envelope marked with the
46 affidavit and containing the original ballot shall be
47 marked "Defective" and the replacement ballot shall be
48 attached to the affidavit such envelope containing the
49 original ballot and shall be stored in a secure place
50 until they are delivered to the absentee and special

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1 voters precinct board, notwithstanding sections 53.26
2 and 53.27.

3 Sec. 11. Section 53.21, subsection 2, paragraph b,
4 Code 2014, is amended to read as follows:

5 b. The voter shall enclose one copy of the above
6 statement in the return envelope along with the
7 affidavit envelope, if the voter was mailed a separate
8 affidavit envelope, and shall retain a copy for the
9 voter's records.

10 Sec. 12. Section 53.23, subsection 3, paragraph
11 b, subparagraph (1), Code 2014, is amended to read as
12 follows:

13 (1) The commissioner may direct the board to meet
14 on the day before the election for the purpose of
15 reviewing the absentee voters' affidavits appearing
16 on the sealed affidavit envelopes. If in the
17 commissioner's judgment this procedure is necessary
18 due to the number of absentee ballots received, the
19 members of the board may open the sealed affidavit
20 envelopes and remove the secrecy envelope containing
21 the ballot, but under no circumstances shall a secrecy
22 envelope or a return envelope marked with an affidavit
23 be opened before the board convenes on election day,
24 except as provided in paragraph "c". If the affidavit
25 envelopes are opened before election day pursuant
26 to this paragraph "b", two observers, one appointed
27 by each of the two political parties referred to
28 in section 49.13, subsection 2, shall witness the
29 proceedings. The observers shall be appointed by the
30 county chairperson or, if the county chairperson fails
31 to make an appointment, by the state chairperson.
32 However, if either or both political parties fail to
33 appoint an observer, the commissioner may continue with
34 the proceedings.

35 Sec. 13. Section 53.23, subsection 5, Code 2014, is
36 amended to read as follows:

37 5. The special precinct election board shall
38 preserve the secrecy of all absentee and provisional
39 ballots. After the affidavits on the envelopes have
40 been reviewed and the qualifications of the persons
41 casting the ballots have been determined, those that
42 have been accepted for counting shall be opened. The
43 ballots shall be removed from the affidavit envelopes
44 or return envelopes marked with the affidavit, as
45 applicable, without being unfolded or examined, and
46 then shall be thoroughly intermingled, after which they
47 shall be unfolded and tabulated. If secrecy folders or
48 envelopes are used with provisional paper ballots, the
49 ballots shall be removed from the secrecy folders after
50 the ballots have been intermingled.

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1 Sec. 14. Section 53.25, Code 2014, is amended to
2 read as follows:

3 **53.25 Rejecting ballot.**

4 1. If the absentee voter's affidavit lacks the
5 voter's signature, if the applicant is not a duly
6 registered voter on election day in the precinct
7 where the absentee ballot was cast, if the affidavit
8 envelope marked with the affidavit contains more than
9 one ballot of any one kind, or if the voter has voted
10 in person, such vote shall be rejected by the absentee
11 and special voters precinct board. If the affidavit
12 envelope or return envelope marked with the affidavit
13 is open, or has been opened and resealed, or if the
14 ballot is not enclosed in the affidavit such envelope,
15 and an affidavit envelope or return envelope marked
16 with the affidavit with the same serial number and
17 marked "Replacement ballot" is not attached as provided
18 in section 53.18, the vote shall be rejected by the
19 absentee and special voters precinct board.

20 2. If the absentee ballot is rejected prior to the
21 opening of the affidavit envelope or return envelope
22 marked with the affidavit, the voter casting the ballot
23 shall be notified by a precinct election official
24 by the time the canvass is completed of the reason
25 for the rejection on a form prescribed by the state
26 commissioner of elections.

27 Sec. 15. Section 53.27, Code 2014, is amended to
28 read as follows:

29 **53.27 Rejection of ballot — return of envelope.**

30 If the ballot is rejected, the affidavit envelope,
31 marked with the affidavit of, with the voter endorsed
32 voter's endorsement thereon, shall be returned with the
33 rejected ballot in the envelope endorsed "Defective
34 ballots".

35 Sec. 16. Section 53.30, Code 2014, is amended to
36 read as follows:

37 **53.30 Ballots, ballot envelopes, and other**
38 **information preserved.**

39 At the conclusion of each meeting of the absentee
40 and special voter's precinct board, the board shall
41 securely seal all ballots counted by them in the manner
42 prescribed in section 50.12. The ballot envelopes,
43 including the affidavit envelope having the registered
44 voter's affidavit on it if an affidavit envelope was
45 provided, the return envelope, and secrecy envelope
46 bearing the signatures of precinct election officials,
47 as required by section 53.23, shall be preserved. All
48 applications for absentee ballots, ballots rejected
49 without being opened, absentee ballot logs, and any
50 other documents pertaining to the absentee ballot

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1 process shall be preserved until such time as the
2 documents may be destroyed pursuant to section 50.19.
3 Sec. 17. Section 53.32, Code 2014, is amended to
4 read as follows:
5 **53.32 Ballot of deceased voter.**
6 When it shall be made to appear by due proof to
7 the precinct election officials that any elector, who
8 has so marked and forwarded a ballot, has died before
9 the affidavit envelope marked with the affidavit is
10 opened, then the ballot of such deceased voter shall
11 be endorsed, "Rejected because voter is dead", and be
12 returned to the commissioner, ~~but the~~. The casting of
13 the ballot of a deceased voter shall not invalidate the
14 election.
15 Sec. 18. Section 53.38, Code 2014, is amended to
16 read as follows:
17 **53.38 What constitutes registration.**
18 Whenever a ballot is requested pursuant to section
19 53.39 or 53.45 on behalf of a voter in the armed
20 forces of the United States, the affidavit upon the
21 affidavit envelope marked with the affidavit of such
22 voter, if the voter is found to be an eligible elector
23 of the county to which the ballot is submitted, shall
24 constitute a sufficient registration under chapter
25 48A. A completed federal postcard registration and
26 federal absentee ballot request form submitted by such
27 eligible elector shall also constitute a sufficient
28 registration under chapter 48A. The commissioner shall
29 place the voter's name on the registration record as a
30 registered voter if it does not already appear there.
31 The identification requirements of section 48A.8 and
32 the verification requirements of section 48A.25A do
33 not apply to persons who register to vote under this
34 division.
35 Sec. 19. Section 53.40, subsection 3, Code 2014, is
36 amended to read as follows:
37 3. If the affidavit on the affidavit envelope
38 marked with the affidavit shows that the affiant is not
39 a qualified voter on the day of the election at which
40 the ballot is offered for voting, the envelope shall
41 not be opened, but the envelope and ballot contained
42 in the envelope shall be preserved and returned by the
43 precinct election officials to the commissioner, who
44 shall preserve them for the period of time and under
45 the conditions provided for in sections 50.12, 50.13,
46 50.15, and 50.19.
47 Sec. 20. Section 53.44, Code 2014, is amended to
48 read as follows:
49 **53.44 Affidavit to be signed and returned.**
50 1. The affidavit on the affidavit envelope marked

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1 with the affidavit used in connection with voting by
2 absentee ballot under this division by members of the
3 armed forces of the United States need not be notarized
4 or witnessed, but the affidavit on such envelope shall
5 be completed and signed by the voter.
6 2. Absentee ballots issued under this division
7 shall be returned in the same manner and within the
8 same time limits specified in section 53.17.
9 Sec. 21. REPEAL. Sections 53.13 and 53.14, Code
10 2014, are repealed.>
11 2. Title page, by striking lines 3 and 4 and
12 inserting <to a primary election, modifying the
13 deadline for receipt of absentee ballots by the
14 commissioner, and>

HAGENOW of Polk



**Iowa General Assembly
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House Resolution 117 - Introduced

HOUSE RESOLUTION NO. 117

BY L. MILLER, BERRY, STECKMAN, and FORRISTALL

1 A Resolution recognizing the health threat posed by
2 chronic obstructive pulmonary disease.

3 WHEREAS, chronic obstructive pulmonary disease
4 (COPD) is a term used to refer to a group of diseases
5 that cause airflow obstruction and breathing
6 related problems, and includes emphysema, chronic
7 bronchitis, and in some cases, asthma and severe
8 bronchiectasis; and

9 WHEREAS, in 2008, COPD became the third leading
10 cause of death in the United States, and unlike
11 other major causes of death, its prevalence has not
12 significantly declined in recent years; and

13 WHEREAS, COPD is a chronic and progressive disease
14 that has been diagnosed in an estimated 117,540 Iowans
15 and 13 million persons nationwide, 66 percent of whom
16 are under age 65; and

17 WHEREAS, nationwide, the annual cost of COPD in
18 2010 was projected to be \$49.9 billion through health
19 care costs, loss of productivity, and deterioration of
20 personal health and well-being; and

21 WHEREAS, the American Association for Respiratory
22 Care reports that nationally just over half of all
23 persons with COPD report that their condition limits
24 their ability to work and 34 percent say that COPD
25 keeps them from working; and

26 WHEREAS, although there is no cure for COPD,
27 increased public awareness, early detection, and proper
28 health management can slow the progression of the

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1 disease, reduce costs, and improve patients' quality of
2 life and self-sufficiency; NOW THEREFORE,
3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
4 That the House of Representatives recognizes chronic
5 obstructive pulmonary disease as a chronic health
6 condition in Iowa which contributes to increasing
7 health care costs and decreasing productivity of the
8 citizens of this state.



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House Resolution 118 - Introduced

HOUSE RESOLUTION NO. 118

BY WATTS, GASSMAN, WINDSCHITL, SALMON, HUSEMAN,
GUSTAFSON, SHAW, DEYOE, ALONS, SHEETS, R. TAYLOR,
LOFGREN, FISHER, HEARTSILL, BAUDLER, RAYHONS,
WORTHAN, SCHULTZ, FORRISTALL, and DOLECHECK

1 A Resolution in support of recognizing the lead role of
2 states in the regulation of carbon dioxide emissions
3 from existing power plants.

4 WHEREAS, a reliable and affordable energy supply is
5 vital to Iowa's economic growth and the employment and
6 well-being of its citizens; and

7 WHEREAS, Iowa supports a comprehensive energy
8 strategy because it is in the state's best interests
9 and the best interests of the United States; and

10 WHEREAS, the United States possesses abundant
11 supplies of coal capable of providing economic and
12 energy security benefits; and

13 WHEREAS, the use of coal provides affordable and
14 reliable electricity to the citizens of Iowa; and

15 WHEREAS, carbon regulations for existing coal-fueled
16 power plants could threaten the affordability
17 and reliability of Iowa's electricity supply and,
18 therefore, the well-being of its citizens; and

19 WHEREAS, the United States Energy Information
20 Administration projects that the United States electric
21 sector carbon dioxide emissions will be 14 percent
22 below 2005 levels by the year 2020 and that carbon
23 dioxide emissions from United States coal-fueled power
24 plants will be 19 percent below 2005 levels in the year
25 2020; and



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1 WHEREAS, on June 25, 2013, the President of the
2 United States directed the Administrator of the
3 United States Environmental Protection Agency to issue
4 standards, regulations, or guidelines to address carbon
5 dioxide emissions from new, existing, modified, and
6 reconstructed fossil-fuel power plants; and
7 WHEREAS, the President of the United States
8 expressly recognized that states will play a central
9 role in establishing and implementing carbon standards
10 for existing power plants; and
11 WHEREAS, the federal Clean Air Act requires the
12 United States Environmental Protection Agency to
13 establish a procedure under which each state shall
14 develop a plan for establishing and implementing
15 standards of performance for existing energy sources
16 within the state; and
17 WHEREAS, the federal Clean Air Act expressly allows
18 states, in developing and applying such performance
19 standards, to take into consideration, among other
20 factors, the remaining useful life of the existing
21 energy source to which the standard applies; and
22 WHEREAS, it is in the best interests of electricity
23 consumers in Iowa to continue to benefit from reliable,
24 affordable electricity provided by coal-based
25 electricity generating plants; NOW THEREFORE,
26 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
27 That the House of Representatives urges the United
28 States Environmental Protection Agency, in developing
29 guidelines for regulating carbon dioxide emissions
30 from existing power plants, to respect the primacy of

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1 Iowa and other states and to rely on state regulators
2 to develop performance standards for carbon dioxide
3 emissions that take into account the unique policies,
4 energy needs, resource mix, and economic priorities of
5 Iowa and other states; and

6 BE IT FURTHER RESOLVED, That copies of this
7 resolution be sent to the Administrator of the United
8 States Environmental Protection Agency and to the
9 members of Iowa's congressional delegation.



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House File 2109

S-5061

1 Amend House File 2109, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 142A.6, subsection 6, paragraph
6 d, Code 2014, is amended to read as follows:

7 d. For the purpose of this subsection,
8 manufacturer, distributor, wholesaler, retailer, and
9 distributing agent mean as defined in section 453A.1
10 or 453A.42.

11 Sec. 2. Section 232C.4, subsection 3, Code 2014, is
12 amended to read as follows:

13 3. An emancipated minor shall remain subject
14 to voting restrictions under chapter 48A, gambling
15 restrictions under chapter 99B, 99D, 99F, 99G, or 725,
16 alcohol restrictions under chapter 123, compulsory
17 attendance requirements under chapter 299, and
18 cigarette tobacco, tobacco products, simulated smoking
19 devices, and cigarette restrictions under chapter 453A.

20 Sec. 3. Section 321.216C, Code 2014, is amended to
21 read as follows:

22 321.216C Use of driver's license or nonoperator's
23 identification card by underage person to obtain
24 cigarettes or tobacco, tobacco products, simulated
25 smoking devices, or cigarettes.

26 A person who is under the age of eighteen, who
27 alters or displays or has in the person's possession
28 a fictitious or fraudulently altered driver's license
29 or nonoperator's identification card and who uses
30 the license or card to violate or attempt to violate
31 section 453A.2, subsection 2, commits a simple
32 misdemeanor punishable as a scheduled violation under
33 section 805.8A, subsection 4. The court shall forward
34 a copy of the conviction to the department.

35 Sec. 4. Section 453A.1, subsections 19 and 21, Code
36 2014, are amended to read as follows:

37 19. "Place of business" is construed to mean and
38 include any place where cigarettes or simulated smoking
39 devices are sold or where cigarettes or simulated
40 smoking devices are stored within or without the state
41 of Iowa by the holder of an Iowa permit or kept for the
42 purpose of sale or consumption; or if sold from any
43 vehicle or train, the vehicle or train on which or from
44 which such cigarettes or simulated smoking devices are
45 sold shall constitute a place of business.

46 21. "Retailer" shall mean and include every person
47 in this state who shall sell, distribute, or offer for
48 sale for consumption or possess for the purpose of
49 sale for consumption, cigarettes or simulated smoking
50 devices irrespective of quantity or amount or the

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1 number of sales.

2 Sec. 5. Section 453A.1, Code 2014, is amended by
3 adding the following new subsection:

4 NEW SUBSECTION. 23A. *"Simulated smoking device"*
5 means any product containing or delivering nicotine
6 or any other similar substance intended for human
7 consumption that can be used by a person to simulate
8 smoking including through inhalation of vapor or
9 aerosol from the product. *"Simulated smoking device"*
10 includes any component part of such product whether or
11 not sold separately. *"Simulated smoking device"* does
12 not include any product that has been approved by the
13 United States food and drug administration for sale as
14 a tobacco cessation product and is being marketed and
15 sold solely for that approved purpose.

16 Sec. 6. Section 453A.2, subsections 1, 2, 3, and 8,
17 Code 2014, are amended to read as follows:

18 1. A person shall not sell, give, or otherwise
19 supply any tobacco, tobacco products, simulated smoking
20 devices, or cigarettes to any person under eighteen
21 years of age.

22 2. A person under eighteen years of age shall not
23 smoke, use, possess, purchase, or attempt to purchase
24 any tobacco, tobacco products, simulated smoking
25 devices, or cigarettes.

26 3. Possession of ~~cigarettes or tobacco~~, tobacco
27 products, simulated smoking devices, or cigarettes
28 by an individual under eighteen years of age does
29 not constitute a violation under this section if the
30 individual under eighteen years of age possesses the
31 ~~cigarettes or tobacco~~, tobacco products, simulated
32 smoking devices, or cigarettes as part of the
33 individual's employment and the individual is employed
34 by a person who holds a valid permit under this chapter
35 or who lawfully offers for sale or sells ~~cigarettes or~~
36 tobacco, tobacco products, simulated smoking devices,
37 or cigarettes.

38 8. a. A person shall not be guilty of a violation
39 of this section if conduct that would otherwise
40 constitute a violation is performed to assess
41 compliance with ~~cigarette and tobacco~~, tobacco
42 products, simulated smoking devices, or cigarette laws
43 if any of the following applies:

44 (1) The compliance effort is conducted by or under
45 the supervision of law enforcement officers.

46 (2) The compliance effort is conducted with the
47 advance knowledge of law enforcement officers and
48 reasonable measures are adopted by those conducting the
49 effort to ensure that use of ~~cigarettes or tobacco~~,
50 tobacco products, simulated smoking devices, or

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1 cigarettes by individuals under eighteen years of age
2 does not result from participation by any individual
3 under eighteen years of age in the compliance effort.

4 *b.* For the purposes of this subsection, "*law*
5 *enforcement officer*" means a peace officer as defined
6 in section 801.4 and includes persons designated under
7 subsection 4 to enforce this section.

8 Sec. 7. Section 453A.4, subsection 1, Code 2014, is
9 amended to read as follows:

10 1. If a person holding a permit under this chapter
11 or an employee of such a permittee has a reasonable
12 belief based on factual evidence that a driver's
13 license as defined in section 321.1, subsection
14 20A, or nonoperator's identification card issued
15 pursuant to section 321.190 offered by a person who
16 wishes to purchase ~~cigarettes or tobacco~~, tobacco
17 products, simulated smoking devices, or cigarettes is
18 altered or falsified or belongs to another person,
19 the permittee or employee may retain the driver's
20 license or nonoperator's identification card. Within
21 twenty-four hours, the card shall be delivered to the
22 appropriate city or county law enforcement agency of
23 the jurisdiction in which the permittee's premises are
24 located, and the permittee shall file a written report
25 of the circumstances under which the card was retained.
26 The local law enforcement agency may investigate
27 whether a violation of section 321.216, 321.216A, or
28 321.216C has occurred. If an investigation is not
29 initiated or probable cause is not established by the
30 local law enforcement agency, the driver's license or
31 nonoperator's identification card shall be delivered
32 to the person to whom it was issued. The local law
33 enforcement agency may forward the card with the
34 report to the state department of transportation for
35 investigation, in which case, the state department of
36 transportation may investigate whether a violation of
37 section 321.216, 321.216A, or 321.216C has occurred.
38 The state department of transportation shall return
39 the card to the person to whom it was issued if an
40 investigation is not initiated or probable cause is not
41 established.

42 Sec. 8. Section 453A.5, subsection 1, Code 2014, is
43 amended to read as follows:

44 1. The alcoholic beverages division of the
45 department of commerce shall develop a tobacco
46 compliance employee training program not to exceed
47 two hours in length for employees and prospective
48 employees of retailers, as defined in sections 453A.1
49 and 453A.42, to inform the employees about state and
50 federal laws and regulations regarding the sale of

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1 ~~cigarettes and tobacco, tobacco products, simulated~~
2 ~~smoking devices, and cigarettes~~ to persons under
3 ~~eighteen years of age and compliance with and the~~
4 ~~importance of laws regarding the sale of cigarettes and~~
5 ~~tobacco, tobacco products, simulated smoking devices,~~
6 ~~and cigarettes to persons under eighteen years of age.~~
7 Sec. 9. Section 453A.13, subsection 1, Code 2014,
8 is amended to read as follows:
9 1. *Permits required.* Every distributor,
10 wholesaler, cigarette vendor, and retailer, now engaged
11 or who desires to become engaged in the sale or use of
12 cigarettes, upon which a tax is required to be paid,
13 and every retailer now engaged or who desires to become
14 engaged in selling, offering for sale, or distributing
15 simulated smoking devices shall obtain a state or
16 retail cigarette permit as a distributor, wholesaler,
17 cigarette vendor, or retailer, as the case may be.
18 Sec. 10. Section 453A.13, subsection 2, paragraph
19 a, Code 2014, is amended to read as follows:
20 a. The department shall issue state permits to
21 distributors, wholesalers, and cigarette vendors
22 subject to the conditions provided in this division.
23 Cities may issue retail permits to ~~dealers~~ retailers
24 within their respective limits. County boards of
25 supervisors may issue retail permits to ~~dealers~~
26 retailers in their respective counties, outside of the
27 corporate limits of cities.
28 Sec. 11. Section 453A.13, subsections 6, 9, and 10,
29 Code 2014, are amended to read as follows:
30 6. *No sales without permit.* ~~No A~~ distributor,
31 wholesaler, cigarette vendor, or retailer shall not
32 sell any cigarettes or simulated smoking devices until
33 such application has been filed and the fee prescribed
34 paid for a permit and until such permit is obtained and
35 only while such permit is unrevoked and unexpired.
36 9. *Permit — form and contents.* Each permit issued
37 shall describe clearly the place of business for which
38 it is issued, shall be nonassignable, consecutively
39 numbered, designating the kind of permit, and shall
40 authorize the sale of cigarettes or simulated smoking
41 devices in this state subject to the limitations and
42 restrictions herein contained. The retail permits
43 shall be upon forms furnished by the department or on
44 forms made available or approved by the department.
45 10. *Permit displayed.* The permit shall, at all
46 times, be publicly displayed by the distributor,
47 wholesaler, or retailer at the place of business so
48 as to be easily seen by the public and the persons
49 authorized to inspect the place of business. The
50 proprietor or keeper of any building or place where

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1 ~~cigarettes and other~~, simulated smoking devices, or
2 tobacco products are kept for sale, or with intent to
3 sell, shall upon request of any agent of the department
4 or any peace officer exhibit the permit. A refusal or
5 failure to exhibit the permit is prima facie evidence
6 that the cigarettes, simulated smoking devices,
7 tobacco, or other tobacco products are kept for sale or
8 with intent to sell in violation of this division.
9 Sec. 12. Section 453A.15, subsection 4, Code 2014,
10 is amended to read as follows:
11 4. Every permit holder or other person shall, when
12 requested by the department, make additional reports as
13 the department deems necessary and proper and shall at
14 the request of the department furnish full and complete
15 information pertaining to any transaction of the permit
16 holder or other person involving the purchase or sale
17 or use of cigarettes or simulated smoking devices, or
18 the purchase of cigarette stamps.
19 Sec. 13. Section 453A.36, subsections 6, 7, and 11,
20 Code 2014, are amended to read as follows:
21 6. Any sales of ~~cigarettes or tobacco, tobacco~~
22 products, simulated smoking devices, or cigarettes
23 made through a cigarette vending machine are subject
24 to rules and penalties relative to retail sales of
25 cigarettes and tobacco, tobacco products, simulated
26 smoking devices, and cigarettes provided for in this
27 chapter. Cigarettes shall not be sold through any
28 cigarette vending machine unless the cigarettes have
29 been properly stamped or metered as provided by this
30 division, and in case of violation of this provision,
31 the permit of the dealer authorizing retail sales of
32 cigarettes shall be revoked. Payment of the permit fee
33 as provided in section 453A.13 authorizes a cigarette
34 vendor to sell cigarettes or tobacco, tobacco products,
35 simulated smoking devices, and cigarettes through
36 vending machines. However, cigarettes or tobacco,
37 tobacco products, simulated smoking devices, and
38 cigarettes shall not be sold through a vending machine
39 unless the vending machine is located in a place
40 where the retailer ensures that no person younger than
41 eighteen years of age is present or permitted to enter
42 at any time. Cigarettes or Tobacco, tobacco products,
43 simulated smoking devices, and cigarettes shall not
44 be sold through any cigarette vending machine if
45 such products are placed together with any nontobacco
46 product, other than matches, in the cigarette vending
47 machine. This section does not require a retail permit
48 holder to buy a cigarette vendor's permit if the retail
49 permit holder is in fact the owner of the cigarette
50 vending machines and the machines are operated in the

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1 location described in the retail permit.
2 7. a. It shall be unlawful for a person other than
3 a holder of a retailer as defined in section 453A.1
4 or 453A.42 who holds a valid retail permit to sell
5 tobacco, tobacco products, simulated smoking devices,
6 or cigarettes at retail.
7 b. No A state permit holder shall not sell or
8 distribute cigarettes at wholesale to any person in the
9 state of Iowa who does not hold a permit authorizing
10 the retail sale of cigarettes or who does not hold a
11 state permit as a manufacturer, distributing agent,
12 wholesaler, or distributor.
13 11. Violation of this section by the holder
14 of a retailer's, distributor's, wholesaler's or
15 manufacturer's permit shall be grounds for the
16 revocation of such permit.
17 Sec. 14. Section 453A.36A, subsection 1, Code 2014,
18 is amended to read as follows:
19 1. ~~Beginning January 1, 1999, except~~ Except as
20 provided in section 453A.36, subsection 6, a retailer
21 shall not sell or offer for sale ~~cigarettes or tobacco,~~
22 tobacco products, in a quantity of less than a carton,
23 simulated smoking devices, or cigarettes through the
24 use of a self-service display.
25 Sec. 15. Section 453A.39, Code 2014, is amended to
26 read as follows:
27 453A.39 Tobacco product, tobacco products, simulated
28 smoking devices, and cigarette samples — restrictions
29 — administration.
30 1. A manufacturer, distributor, wholesaler,
31 retailer, or distributing agent, or agent thereof,
32 shall not give away ~~cigarettes or tobacco, tobacco~~
33 products, simulated smoking devices, or cigarettes
34 at any time in connection with the manufacturer's,
35 distributor's, wholesaler's, retailer's, or
36 distributing agent's business or for promotion of the
37 business or product, except as provided in subsection
38 2.
39 2. a. All cigarette samples shall be shipped only
40 to a distributor that has a permit to stamp cigarettes
41 or little cigars with Iowa tax. All cigarette samples
42 must have a cigarette stamp. The manufacturer shipping
43 samples under this section shall send an affidavit
44 to the director stating the shipment information,
45 including the date shipped, quantity, and to whom
46 the samples were shipped. The distributor receiving
47 the shipment shall send an affidavit to the director
48 stating the shipment information, including the date
49 shipped, quantity, and from whom the samples were
50 shipped. These affidavits shall be duly notarized and

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1 submitted to the director at the time of shipment and
2 receipt of the samples. The distributor shall pay the
3 tax on samples by separate remittance along with the
4 affidavit.

5 **b.** A manufacturer, distributor, wholesaler,
6 retailer, or distributing agent or agent thereof
7 shall not give away any cigarettes or tobacco, tobacco
8 products, simulated smoking devices, or cigarettes
9 to any person under eighteen years of age, or within
10 five hundred feet of any playground, school, high
11 school, or other facility when such facility is being
12 used primarily by persons under age eighteen for
13 recreational, educational, or other purposes.

14 **c.** Proof of age shall be required if a reasonable
15 person could conclude on the basis of outward
16 appearance that a prospective recipient of a sample may
17 be under eighteen years of age.

18 Sec. 16. Section 453A.42, subsections 1, 2, 8, 9,
19 10, 11, 13, and 16, Code 2014, are amended to read as
20 follows:

21 1. "Business" means any trade, occupation,
22 activity, or enterprise engaged in for the purpose of
23 selling or distributing tobacco, tobacco products, or
24 simulated smoking devices in this state.

25 2. "Consumer" means any person who has title
26 to or possession of tobacco, tobacco products, or
27 simulated smoking devices in storage, for use or other
28 consumption in this state.

29 8. "Place of business" means any place where
30 tobacco, tobacco products, or simulated smoking
31 devices are sold or where tobacco, tobacco products, or
32 simulated smoking devices are manufactured, stored, or
33 kept for the purpose of sale or consumption, including
34 any vessel, vehicle, airplane, train, or vending
35 machine.

36 9. "Retail outlet" means each place of business
37 from which tobacco, tobacco products, or simulated
38 smoking devices are sold to consumers.

39 10. "Retailer" means any person engaged in the
40 business of selling tobacco, tobacco products, or
41 simulated smoking devices to ultimate consumers.

42 11. "Sale" means any transfer, exchange, or barter,
43 in any manner or by any means whatsoever, for a
44 consideration, and includes and means all sales made by
45 any person. It includes a gift by a person engaged in
46 the business of selling tobacco, tobacco products, or
47 simulated smoking devices for advertising, as a means
48 of evading the provisions of this division, or for any
49 other purposes whatsoever.

50 13. "Storage" means any keeping or retention of

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1 tobacco, tobacco products, or simulated smoking devices
2 for use or consumption in this state.

3 16. "Use" means the exercise of any right or
4 power incidental to the ownership of tobacco, tobacco
5 products, or simulated smoking devices.

6 Sec. 17. Section 453A.45, subsection 3, Code 2014,
7 is amended to read as follows:

8 3. Every retailer and subjobber shall procure
9 itemized invoices of all tobacco, tobacco products,
10 and simulated smoking devices purchased. The invoices
11 shall show the name and address of the seller and the
12 date of purchase. The retailer and subjobber shall
13 preserve a legible copy of each invoice for three years
14 from the date of purchase. Invoices shall be available
15 for inspection by the director or the director's
16 authorized agents or employees at the retailer's or
17 subjobber's place of business.

18 Sec. 18. Section 453A.47A, subsections 1, 2, 4, 5,
19 and 10, Code 2014, are amended to read as follows:

20 1. *Permits required.* A person shall not engage
21 in the business of a retailer of tobacco, tobacco
22 products, or simulated smoking devices at any place of
23 business without first having received a permit as a
24 tobacco products retailer.

25 2. *No sales without permit.* A retailer shall
26 not sell any tobacco, tobacco products, or simulated
27 smoking devices until an application has been filed and
28 the fee prescribed paid for a permit and until such
29 permit is obtained and only while such permit is not
30 suspended, unrevoked, or unexpired.

31 4. *Retailer — cigarettes and tobacco, tobacco*
32 *products, and simulated smoking devices.* A retailer,
33 as defined in section 453A.1, who holds a permit under
34 division I of this chapter is not required to also
35 obtain a retail permit under this division. However,
36 if a retailer, as defined in section 453A.1, only holds
37 a permit under division I of this chapter and that
38 permit is suspended, revoked, or expired, the retailer
39 shall not sell any cigarettes or tobacco, tobacco
40 products, or simulated smoking devices during the time
41 which the permit is suspended, revoked, or expired.

42 5. *Separate permit.* A separate retail permit
43 shall be required of a distributor or subjobber if
44 the distributor or subjobber sells tobacco, tobacco
45 products, or simulated smoking devices at retail.

46 10. *Records and reports of retailers.*

47 a. The director shall prescribe the forms necessary
48 for the efficient administration of this section
49 and may require uniform books and records to be used
50 and kept by each retailer or other person as deemed

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1 necessary.

2 **b.** Every retailer shall, when requested by the
3 department, make additional reports as the department
4 deems necessary and proper and shall at the request of
5 the department furnish full and complete information
6 pertaining to any transaction of the retailer involving
7 the purchase or sale or use of tobacco, tobacco
8 products, or simulated smoking devices.

9 Sec. 19. Section 805.8C, subsection 3, Code 2014,
10 is amended to read as follows:

11 3. ~~Smoking violations~~ Violations related to smoking,
12 tobacco, tobacco products, simulated smoking devices,
13 and cigarettes.

14 **a.** For violations described in section 142D.9,
15 subsection 1, the scheduled fine is fifty dollars,
16 and is a civil penalty, and the criminal penalty
17 surcharge under section 911.1 shall not be added to
18 the penalty, and the court costs pursuant to section
19 805.9, subsection 6, shall not be imposed. If the
20 civil penalty assessed for a violation described in
21 section 142D.9, subsection 1, is not paid in a timely
22 manner, a citation shall be issued for the violation
23 in the manner provided in section 804.1. However, a
24 person under age eighteen shall not be detained in a
25 secure facility for failure to pay the civil penalty.
26 The complainant shall not be charged a filing fee.

27 **b.** For violations of section 453A.2, subsection 1,
28 by an employee of a retailer, the scheduled fine is as
29 follows:

30 (1) If the violation is a first offense, the
31 scheduled fine is one hundred dollars.

32 (2) If the violation is a second offense, the
33 scheduled fine is two hundred fifty dollars.

34 (3) If the violation is a third or subsequent
35 offense, the scheduled fine is five hundred dollars.

36 **c.** For violations of section 453A.2, subsection
37 2, the scheduled fine is as follows and is a civil
38 penalty, and the criminal penalty surcharge under
39 section 911.1 shall not be added to the penalty, and
40 the court costs pursuant to section 805.9, subsection
41 6, shall not be imposed:

42 (1) If the violation is a first offense, the
43 scheduled fine is fifty dollars.

44 (2) If the violation is a second offense, the
45 scheduled fine is one hundred dollars.

46 (3) If the violation is a third or subsequent
47 offense, the scheduled fine is two hundred fifty
48 dollars.

49 Sec. 20. APPLICATION TO EXISTING PRODUCTS. Nothing
50 in this Act shall be construed to prohibit the

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1 department of revenue from collecting taxes imposed
2 on cigarettes or tobacco products subject to taxation
3 under chapter 453A prior to July 1, 2014.
4 Sec. 21. CODE EDITOR DIRECTIVE. The Code
5 editor shall modify the title of chapter 453A to
6 read "Cigarette and Tobacco Taxes and Regulation of
7 Simulated Smoking Devices".>
8 2. Title page, lines 1 and 2, by striking <vapor
9 products and alternative nicotine products> and
10 inserting <simulated smoking devices>

COMMITTEE ON HUMAN RESOURCES
AMANDA RAGAN, CHAIRPERSON



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House File 475

S-5062

1 Amend House File 475, as passed by the House, as
2 follows:
3 1. Page 1, line 1, by striking <2013> and inserting
4 <2014>
5 2. Page 1, by striking lines 12 through 24 and
6 inserting:
7 <1. A peace officer may make a written application
8 to a magistrate for the issuance of a search warrant
9 to authorize the placement, tracking, monitoring, or
10 removal of a global positioning device, supported by
11 a peace officer's oath or affirmation, which includes
12 facts, information, and circumstances tending to
13 establish sufficient grounds for granting the peace
14 officer's application, and probable cause for believing
15 the grounds exist.
16 2. The application shall describe the person,
17 place, or thing to be tracked or monitored by a
18 global positioning device, or the removal of such a
19 device from a person, place, or thing with sufficient
20 specificity to enable an independent reasonable person
21 with reasonable effort to ascertain and identify the
22 person, place, or thing. If the magistrate issues the
23 search warrant, the magistrate shall endorse on the
24 application the name and address of all persons upon
25 whose sworn testimony the magistrate relied to issue
26 the warrant together with the abstract of each witness'
27 testimony, or the witness' affidavit. However, if the
28 grounds for issuance are supplied by an informant, the
29 magistrate shall identify only the peace officer to
30 whom the information was given. The application or
31 sworn testimony supplied in support of the application
32 must establish the credibility of the informant or the
33 credibility of the information given by the informant.
34 The magistrate may in the magistrate's discretion
35 require that a witness upon whom the applicant relies
36 for the information appear personally and be examined
37 concerning the information.
38 3. Upon a finding of probable cause to issue such a
39 warrant, the magistrate shall issue a warrant, signed
40 by the magistrate with the magistrate's name of office,
41 directed to any peace officer, commanding that the
42 peace officer place, track, monitor, or remove the
43 global positioning device.>

COMMITTEE ON JUDICIARY
ROBERT M. HOGG, CHAIRPERSON

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House File 2289

S-5063

1 Amend House File 2289, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 716.7, subsection 2, paragraph
6 a, subparagraph (3), Code 2014, is amended to read as
7 follows:

8 (3) Entering upon or in property for the purpose or
9 with the effect of unduly interfering with the lawful
10 use of the property by others, including interference
11 using visual, auditory, or photographic means that
12 intrudes upon legitimate privacy interests in, on, or
13 around private property that is not normally open to
14 the public or in, on, or around property to which the
15 public is not typically invited.

16 Sec. 2. Section 716.7, subsection 2, paragraph
17 a, Code 2014, is amended by adding the following new
18 subparagraph:

19 **NEW SUBPARAGRAPH.** (7) Using an unmanned aerial
20 vehicle or other technology in order to observe a
21 person without consent or authorization for the purpose
22 of unduly invading the privacy of the person under
23 circumstances in which a reasonable person would not
24 expect to be observed.

25 Sec. 3. **NEW SECTION. 808.15 Unmanned aerial**
26 **vehicle — information — admissibility.**

27 Information obtained as a result of the use of an
28 unmanned aerial vehicle is admissible as evidence in
29 a criminal or civil proceeding, if the information is
30 obtained pursuant to the authority of a search warrant,
31 or is otherwise admissible if the information is
32 obtained in a manner that is consistent with state and
33 federal constitutional law.

34 Sec. 4. **UNMANNED AERIAL VEHICLE — USE —**
35 **PROHIBITION — REPORT.**

36 1. Except as otherwise provided, a state agency
37 or an agency of a political subdivision of this state
38 shall not use an unmanned aircraft system before July
39 1, 2015, except in an emergency situation. An unmanned
40 aerial vehicle used pursuant to this subsection shall
41 not be weaponized.

42 2. This section does not apply to the national
43 guard while engaged in the official capacity of
44 the national guard, or to a public or private Iowa
45 postsecondary educational institution or research
46 organization authorized by the federal government to
47 use an unmanned aerial vehicle for research purposes.

48 3. The department of public safety, in consultation
49 with the attorney general, state and local agencies,
50 and other interested organizations, shall develop model

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1 guidelines for the use of unmanned aerial vehicles
2 by law enforcement agencies, and shall report such
3 guidelines to the general assembly no later than
4 December 31, 2014.>
5 2. Title page, line 1, after <to> by inserting
6 <trespassing and>

COMMITTEE ON JUDICIARY
ROBERT M. HOGG, CHAIRPERSON



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House File 514

S-5064

1 Amend House File 514, as passed by the House, as
2 follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 631.1, Code 2014, is amended by
6 adding the following new subsection:

7 **NEW SUBSECTION. 9.** The district court sitting in
8 small claims has concurrent jurisdiction of an action
9 to determine ownership of goods under section 714.28
10 relating to claims against purchased or pledged goods
11 held by pawnbrokers, regardless of the value of the
12 items in dispute.

13 **Sec. 2. NEW SECTION. 714.28 Claims against**
14 **purchased or pledged goods held by pawnbrokers.**

15 1. As used in this section, unless the context
16 otherwise requires:

17 *a. "Claimant"* means a person who claims that the
18 person's property was misappropriated.

19 *b. "Conveying customer"* means a person who delivers
20 property into the custody of a pawnbroker, either by
21 pawn, sale, consignment, or trade.

22 *c. "Misappropriated"* means stolen, embezzled,
23 converted, or otherwise wrongfully appropriated against
24 the will of the rightful owner.

25 2. To obtain possession of purchased or pledged
26 goods held by a pawnbroker which a claimant claims to
27 have been misappropriated, the claimant must notify
28 the pawnbroker by certified mail, return receipt
29 requested, or in person evidenced by signed receipt,
30 of the claimant's claim to the purchased or pledged
31 goods. The notice must contain a complete and accurate
32 description of the purchased or pledged goods and must
33 be accompanied by a legible copy of the applicable
34 law enforcement agency's report documenting the
35 misappropriation of the property. If the claimant and
36 the pawnbroker do not resolve the right to possession
37 within ten days after the pawnbroker's receipt of the
38 notice, the claimant may petition the district court
39 sitting in small claims to order the return of the
40 property, naming the pawnbroker as a defendant, and
41 shall serve the pawnbroker with a copy of the petition.
42 The pawnbroker shall hold the property described in the
43 petition until the right to possession is resolved by
44 the parties or by the court.

45 3. If, after notice and a hearing, the court finds
46 that the property was misappropriated and orders the
47 return of the property to the claimant, both of the
48 following shall apply:

49 *a.* The claimant may recover from the pawnbroker the
50 costs of the action.

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1 *b.* If the conveying customer was convicted in a
2 separate criminal proceeding of theft or dealing in
3 stolen property involving the misappropriated property,
4 the court shall order the conveying customer to repay
5 the pawnbroker the full amount that the conveying
6 customer received from the pawnbroker for the property,
7 plus all applicable pawn service charges. As used
8 in this paragraph, "*convicted*" includes a plea of
9 no contest to the charges or any agreement in which
10 adjudication is withheld.
11 4. If the court finds that the claimant failed
12 to comply with the requirements of this section or
13 otherwise finds against the claimant, the claimant
14 shall be liable for the defendant's costs.>
15 2. Title page, by striking lines 1 through 3 and
16 inserting <An Act specifying procedures for resolving
17 claims against purchased or pledged goods held by
18 pawnbrokers.>

COMMITTEE ON COMMERCE
MATT McCOY, CHAIRPERSON



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House File 2296

S-5065

1 Amend House File 2296, as passed by the House, as
2 follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 556.9, Code 2014, is amended to
6 read as follows:

7 **556.9 Miscellaneous personal property held for**
8 **another person — wages — gift certificates.**

9 1. a. All intangible personal property, not
10 otherwise covered by this chapter, including any income
11 or increment earned on the property and deducting any
12 lawful charges, that is held or owing in this state in
13 the ordinary course of the holder's business and has
14 remained unclaimed by the owner for more than three
15 years after it became payable or distributable is
16 presumed abandoned. ~~However, unpaid~~

17 b. Unpaid wages, including wages represented by
18 payroll checks or other compensation for personal
19 services owing in the ordinary course of the holder's
20 business that remain unclaimed by the owner for more
21 than one year after becoming payable are presumed
22 abandoned.

23 c. Except as provided in subsection 2, funds
24 represented by a gift certificate balance that has
25 not been presented within five years from the date
26 of issuance of the gift certificate are presumed
27 abandoned.

28 2. a. An issuer of a gift certificate shall not
29 deduct from the face value of the gift certificate any
30 charge imposed due to the failure of the owner of the
31 gift certificate to present the gift certificate in a
32 timely manner, unless a valid and enforceable written
33 contract exists between the issuer and the owner of the
34 gift certificate pursuant to which the issuer regularly
35 imposes such charges and does not regularly reverse or
36 otherwise cancel them.

37 b. Notwithstanding the time limitation in
38 subsection 1, a gift certificate redeemable for
39 merchandise only that is not subject to an expiration
40 date and that is not subject to a deduction from
41 the face value of the gift certificate for failure
42 of the owner of the gift certificate to present the
43 gift certificate in a timely manner, or subject to
44 any other charge or service fee, which card remains
45 unrepresented, shall continue in force and be eligible
46 for presentation for an indefinite period of time, and
47 shall not be subject to a presumption of abandonment.

48 c. For purposes of this subsection section,
49 "gift certificate" means a merchandise certificate or
50 electronic gift card conspicuously designated as a gift

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1 certificate or electronic gift card, and generally
2 purchased by a buyer for use by a person other than the
3 buyer.

4 Sec. _____. APPLICABILITY. Section 556.9, subsection
5 2, paragraph b, as enacted in this Act, applies to gift
6 certificates redeemable for merchandise only that are
7 sold after July 1, 2014.>

8 2. Title page, line 2, after <certificates> by
9 inserting <, and providing applicability provisions>

COMMITTEE ON COMMERCE
MATT MCCOY, CHAIRPERSON



Iowa General Assembly
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Senate File 2272

S-5066

1 Amend Senate File 2272 as follows:
2 1. Page 17, after line 24 by inserting:
3 <DIVISION _____
4 FRANCHISE TAXES
5 Sec. _____. Section 422.60, Code 2014, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 12. a. The taxes imposed under
8 this division shall be reduced by a solar energy system
9 tax credit equal to fifty percent of the federal energy
10 credit related to solar energy systems provided in
11 section 48 of the Internal Revenue Code, not to exceed
12 fifteen thousand dollars.
13 b. The taxpayer may claim the credit pursuant to
14 this subsection according to the same requirements,
15 conditions, and limitations as provided pursuant to
16 section 422.11L.
17 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
18 of this Act, being deemed of immediate importance,
19 takes effect upon enactment.
20 Sec. _____. RETROACTIVE APPLICABILITY. This division
21 of this Act applies retroactively to January 1, 2014,
22 for tax years beginning on or after that date.>
23 2. Title page, line 1, by striking <technical>
24 3. Title page, line 4, after <income taxes,> by
25 inserting <franchise taxes,>
26 4. By renumbering as necessary.

PAM JOCHUM

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(amending this SF 2272
to CONFORM to HF 2438)

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